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Mr. Rushworth's Historical Collections Abridg'd and improv'd

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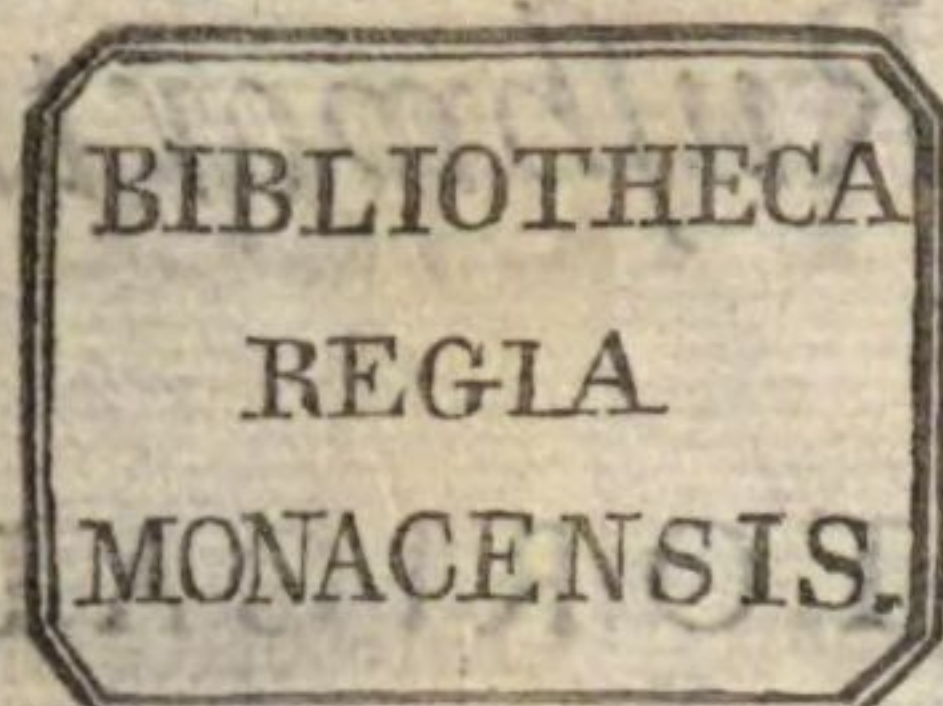
Mr. *Rushworth's*
HISTORICAL
Collections

Abridg'd and Improv'd.

Volume the First.

L O N D O N,

Printed in the Year M. DCC. III.



BIBLIOTHECA

REGIA

MONACENSIS.

The Preface.

THE following Collections contain an Impartial Relation of the Source and Spring of all the Miseries and Calamities that beset this Kingdom from the Year 1617, to 1660. and of the Causes of the Ruin of the Protestant Interest in Germany and France. It will seem strange to after-Ages, that a King of such natural and acquired Endowments, and long Experience, and one who would have the World believe him to be the best skill'd in Kingcraft of all the Princes in Christendom, should be so led by the Nose by the Spaniard in the Business of the Match as King James was, that he should sacrifice the ablest * States- * Sir W. man then left in his Dominions to the Resent- Rawleigh, ments of that Nation, and be bubbled out of his Honour, and the regard he ought to have had to the Protestant Cause, to the Safety and Restitution of his own Daughter, and her Husband and Children, and to the universal Desires and Prayers of his People, who look'd upon the Treaty of Marriage, and the unavoidable Consequences of it, especially in Point of Religion, with the utmost abhorrence and detestation.

That King had a peculiar way of sometimes Arguing, sometimes Hectoring his Parliaments and People; for when they were apprehensive that Religion would be endanger'd by the Match, he made no scruple to tell them, That if the

Match with Spain prov'd not a furtherance to Religion, he was not worthy to be their King. But the private Articles between him and Spain for a perpetual Toleration of the Popish Religion; the then Prince of Wales his solemn Engagement to hearken to such Divines as the Infanta should imploy to pervert him; the Privy Counsellors Oath, not to execute any Laws against the Papists, and the Declaration in favour of Papists, signed by the Lord Conway when the Prince was in Spain, were sufficient Indications what was meant in the Stile of K. James and his Court by a furtherance of Religion. And doubtless his Letter of Septemb. 24. 1599. to Pope Clement, wherein he stiles him most Holy Father, thanks him for not having as yet unsheathed the Sword of his Authority against him, and recommends the Bishop of Vazion to a Cardinal's Cap; with his Promise by Mr. Drummond (whom he sent to Rome at the same time) that if he could carry this last Point there, he (the King) would then proceed further; was likewise intended for such another furtherance of Religion.

As to the Affair of the Palatinate, never was any thing handled with so much tenderness. King James would fain have wound himself out of it: He first pretended Scruple of Conscience, whether he could lawfully assist an Usurper of the Crown of Bohemia (for such he esteemed the Palatine his Son-in-Law) against the Emperor the rightful King; and when that was removed, and that the Elector Palatine stood only in defence of his antient Possessions, wherein his Majesty's Daughter and her Children were interested, and which the Emperor with the utmost Rigour and Severity had endeavoured to seize, all
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that could be obtain'd from him was but one Regiment, which with much difficulty reached the Palatinate; and being most of 'em Gentlemen, and commanded by several of the Nobility and other Persons of Quality, did all that could be expected from such a handful of Men: while Spinola was marching with an Army of 30000 Horse and Foot to invade it; by whom Heidelberg and Mannheim were taken, Frankendale blocked up, and the rest of the lower Palatinate sacked, burnt, and destroyed, to the eternal dishonour of King James and the English Nation; while that King spent his Time and vast Sums of Money in fruitless Embassies, to which he sometimes met with scoffing and deriding Answers, and was impos'd upon to that degree, that he laid himself open to the Scorn and Contempt of the whole Christian World.

The Spanish Match cast such a Mist before King James his Eyes, that he could not discern any of the mischievous Consequences which attended it; and his violent desires of accomplishing that Match, made him patiently digest all the Affronts, Indignities, and Jugglings of the Spaniard, which were obvious to his Subjects of the meanest capacity, and perceived almost by every one but himself: Yet notwithstanding his patience with the Spaniards, he could bector his Parliaments for interposing therein, charging them with invading his Prerogative, comparing them to Thieves that took another man's Purse, and with his ne sutor ultra crepidam, let them know how far such a deep Mystery as the Marriage of his Son was above their Capacitys. A Mystery it was indeed, as handled by that King and his Ministers, and surpass'd the Understanding of all Men of Reason, nay of common Sense.

But the mysterious Part is yet behind : The Prince's Journey to Spain was such a piece of Knight-Errantry as no Age can parallel, tho it suited it seems with the Prince's Genius, that was somewhat inclinable to Adventures, as a late Celebrated Author, who had as much reason to know him as any Man, tells us in his History of the Rebellion ; which I am the rather inclin'd to believe, by the Adventure he afterwards made of three Kingdoms. And that Great Author, who hath in his Writings an equal temperature of the Gentleman and the Historian, tells us a pretty Story about that Adventure to Spain, and lays the first Groundwork thereof on some Romantick Conceits that were gotten into the Heads of the Prince, and the then Marquess of Buckingham, that upon so brave and heroick an Expedition into an unknown Country, the Knight (according to the usual Events of Chivalry) would be sure to be too hard for the Giant of Spain, and would win and bring away the Damsel. But when by those two this was first broke to King James, the Terrors and Convulsions it put the good old King into were inexpressible ; He perceiv'd the Precipice he was to run upon, and (besides the hazard of losing an only Son, and of an unavoidable loss and dishonour that would fall upon himself and the whole Nation, if the King of Spain should shew more Wit in detaining the Prince, than he did in sending him) presently foresaw that this Expedient which those two young Men had found out to facilitate the Match (on which that King had built all his Hopes and Expectations) would certainly, when Spain had once gotten the Prince in their Hands, break it to pieces, or cause the King to condescend to such new but intolerable Conditions, as
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he himself would otherwise very hardly, but his Subjects never at all submit to. And yet King James, divided between those two impetuous Passions of Love and Fear, and wrought upon by the obsequious demeanour of his Son on the one hand, and the buffing and blustering Temper of Buckingham on the other (to which he had been too long accustomed) divested himself of his own Reason, Judgment and Understanding, and gave way to that unaccountable Voyage, which became a fertile Subject of Fear and Jealousy to our selves at home, and of Amazement as well as Laughter to the rest of Europe. Never were there a Pair sent abroad to be exposed to the Censure of a Foreign and Capricious Nation so ill suited. King James was a good Text-man, but had quite forgotten the Precept, Not to join an Ox and an Ass together. The Prince was of a grave and staid deportment, adapted to the Genius of the Spanish Nation, which had gain'd him there an universal Love. The Marquess (then made a Duke) of a light and frenchified Garb and Behaviour, and given to his Pleasures, and generally thought to be wanting of those clear and quicksighted Intellectuals which were requisite for the management of that high Concern. And something happened between him and the Conde d' Olivares, that as it had a direct Influence upon the Honour of the Duke, so it had an Oblique one upon the Honour of the Prince, for the Spaniards had gotten an inkling of the Proverb,

Noscitur ex Comite —

And here I cannot forbear to take notice of those two fatal Errors committed by that great Minister Olivares on the one hand, and the Duke on the other. The latter was unnecessarily exposed by the other to an open and publick Shame in the

Court at Madrid, never to be forgiven by a Person of the Duke's haughty Stomach, while the poor Duke had offended Olivares in intention only, and had imbrac'd a Cloud instead of Juno. But if the Match was really intended by Spain, Olivares could not have found out a more expeditious way to break it off, and thereby to disserve his Master, than by disobliging to so high a degree, as would admit of no Terms of Reconciliation, a Person of Interest enough in the Prince to ingage him in his Quarrel, which the Event sufficiently manifested. And an Attempt of that nature as the Duke's was upon the Honour of the greatest Minister of State in Spain, who was the main Axis upon whom the two Treaties of the Match, and of the Palatinate turned and moved; and of a Spaniard who would sooner forgive a Man that had kill'd his own Father (such is the Niceness and Jealousy of that Nation in that particular) and the hazard he ran thereby of ruining the whole Design for which the Prince and he came thither, and consequently the fervent Hopes and violent Desires of his old Master, who had placed his chiefest worldly Felicity in this Alliance, were such inexcusable Errors in the Duke, as could proceed from nothing but an unbridled Lust, which overballanced all the Considerations of what he owed to his King, to the Prince with whom he was intrusted, and to his own Honour and Reputation.

In the mean time, while these things were doing in Spain, new Conditions were every day imposed upon King James; who partly out of fear how they might use the Prince whom they had in their Power, and partly out of his fondness of the Match, yielded to every thing they would have him; and became at length so subservient to them,

them, and of so low and abject a Spirit, that when he was to swear in his own Chappel at Whitehall to the Articles of Marriage, in which Oath the Title of most Holy was ascrib'd to the Pope; the poor King seeing himself so entrapped, begged heartily of the two Spanish Ambassadors who were there present, that he might be excused from pronouncing those words: but the stiff Dons stood upon their Terms, buffed him in his own Chappel, and peremptorily refused to proceed, unless the King would pronounce them. Which (tho they were no way essential to the Oath) the Ambassadors, to shew what an Ascendent Spain had over the King, thrust down his Throat in spite of his Teeth, and forced him shamefully, after his publick denial, to pronounce the words most Holy, articulately and distinctly in the sight and hearing of his own Subjects who were present on that occasion; a thing so dishonourable, that I cannot have so ill an opinion of the Crowned Heads of that Age, as to believe any King in Christendom his Contemporary would have been guilty of a Condescension so mean in all its Circumstances.

This and innumerable other Mischiefs was King James involved in, by this rash and hot-headed Voyage to Spain; and the King lived to see himself a true Prophet, the Match by that very means being dashed to pieces: For while the Earl of Bristol, the greatest Statesman we had then left, and who negotiated the Match, proceeded therein with slow and wary, but yet as sure Steps, as the subtile and intriguing Genius of the Spaniard, and the different Interests and Sentiments of the Pope, Emperor, and Duke of Bavaria (who had all their Parts to play in this Affair as well as the King of Spain) would per-

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mit; there was some solid tho slippery ground for the King and Prince to set their Feet on. The Articles of Religion were agreed on, and the Temporal Articles near a conclusion; but by the Prince's and Duke's arrival in Spain, all was unravelled, and the subtle Spaniard would not easily grant that any Match had been before seriously treated of or intended: So all was to begin again, and the whole Affair rested on the Duke's Shoulders, which (God knoweth) were too feeble to bear the weight of it. He betook himself therefore to a Work more sutable to his Temper and Strength, and pursuing his Revenge for the Affronts he receiv'd in Spain, disserv'd his old Master to the highest degree (at least in that King's opinion) by ravishing from him his Darling, the Match, and delivering her up to his Parliament, who made short work with her, and immediately tore her to pieces. How ill the whole Contrivance of Buckingham, in respect both of the Journey it self, and of the Consequences of it, was resented by King James, we are told by the Author before cited: Certain it is that King James bore the Duke a Grudge all the small remainder of his Life, altho he durst not publickly show it, such was the Awe he stood in of that Creature of his own making. But the King was not Master of so much Dissimulation as wholly to conceal it; and it's possible that the Plaister and Posset administred to the King in his last Sickness, might be innocently intended by the Duke, to allay that heat of Choler which boil'd in the King's Breast towards him. But whether 'twas so or not, 'tis notorious that when King Charles's Second Parliament were upon the Inquiry concerning it, it was thought fit presently to dissolve them.

Upon

Upon the breaking of the Spanish Match (which the Duke was willing to have the World believe, was design'd by him out of his tender care for Religion, which the Articles with Spain had so much trench'd upon) the Treaty of the Match with France came on; but the Marriage was not consummated till after King James's Death. And here the Duke had forgot his Care of Religion, for the Articles with France (wherein the Duke was a principal Actor) were as hard, if not worse than those with Spain, as was observed by Sir Robert Cotton.

We are now entred into the Reign of King Charles: A Prince of uncommon Virtues, but so excessively in love with his darling Prerogative, and pursuing it with that eagerness, that no Man knew where it would end at last. There is nothing more dangerous in a State, than when the King and the People are trying the utmost Extent of the Prerogative of the one, and of the Liberties of the other: for (to instance in our own Nation) it may be said with much assurance, That the just Bounds of either were never yet found out; and the wisest of our Princes, and the soberest of our Parliaments (unless urged thereunto by intolerable Provocations) never desired to have either of them defined; but to help themselves in so due a Temperament towards each other, that they attempt not to arrive at the utmost Bounds of Prerogative or Liberty; especially the Prince, who being arm'd with the greater Power, should take the greater care not to approach too near his utmost Limits, lest that Power should be applied to the Oppression of his People, wherewith he was originally intrusted for their Safety and Protection. 'Tis a true and undeniable Maxim, That that Prince

who will always do as much as he may, will sometimes do more than he ought. To speak more plainly, such was the hard Fate of that unfortunate Prince we speak of, that he having forsaken the old and beaten Paths which were so well hedg'd in by our excellent Laws, that it was impossible for him to have mistaken his way; he wandred up and down in that Terra incognita of Prerogative, till he lost that and himself to boot. In his Time the Exorbitances of the Council Table, and Starchamber, grew to such a height; and illegal Taxes and Impositions, such as Loans, Benevolences, Ship-mony, &c. attended with the Imprisonment and Confinement of the Refusers, were multiply'd to such a number and degree, as the like was never known in the Times of any of his Predecessors. But above all, the Oath that was tendred to those who refused to lend, to compel them to turn Informers against their Friends and Acquaintance, and to discover who perswaded them not to lend, and what words were used to that purpose, thereby to entrap Men in their common and familiar Conversation, was such a piece of Tyranny as the English Nation was never before acquainted with, nor had been practised any where but in the Inquisition. And yet by these and other illegal Courses, which (besides Ship-mony, that was for several Years made a constant Revenue of the Crown) drew from the Subject 200000 l. not 15000 l. came into the King's Coffers, as the before-cited Author observes, whereby an unnecessary Provocation and just Cause of murmuring was given to the Nation, without any considerable Profit or Advantage to the King.

The lending of English Ships to the French King, which was palliated with a Design upon Genoa,

Genoa, altho nothing more clear than that they were intended against the Protestants of Rochel, much resembled one of King James's deep Mysteries, which were above the Parliaments or Peoples Capacities : And the Duke of Buckingham, who was the main Instrument therein, finding no tolerable Excuse for it, in his Answer to the Articles exhibited against him by the House of Commons, seemed to be of that Opinion, when he declared to the Lords, it was so mixed with Actions of great Princes, that he durst not publish every Passage thereof ; and yet his Grace was so impatient of lying under that Imputation, that he afterwards boldly told them, that for the clearing of his Honour and Fidelity, he had gotten leave of the King to unfold in his Proofs, the whole Truth and Secret of that great Action : which was as great a Sham as ever was put upon a Parliament, the Measures being before that time concerted between the King and him for dissolving the Parliament before whom this Secret was to be unfolded ; which Dissolution happened shortly after, and thereby the Affairs of the Ships, the Plaister and Posset administred to King James, &c. were all laid asleep. Thus was Buckingham skreen'd by the King, who might much more properly be term'd a Mediator between Him and the People, than he was in that Exhortation at his Coronation composed by Bishop Laud, termed (with absurdity enough) A Mediator betwixt the Clergy and the Laity.

The Countenance this King gave to the Popish Party, through the too great Influence which the Lord Treasurer Weston, who died a profest Papist, and others of the same Stamp had over him, caused a great and almost general Dis-

Discontent among the People, who took him to be regardless of his Promise made to his first Parliament, That he would remove from Places of Authority Popish Recusants, and those justly suspected: When they saw a whole Beadroll of Noblemen, Baronets and Knights, besides Esquires, Gentlemen, and others, who were by the Commons in his Second Parliament represented to him to be in Places of Trust and Authority; and perceiv'd the doublings and shiftings which were used at Court, and by his Attorney-General to save some of the Priests and Jesuits from Condemnation, to free others from Imprisonment, and the Papists in general from Prosecution; or at least to make such Prosecution very easy to them, of all which the following Collections give an ample Account. These things made the People very uneasy, and begot misunderstandings between him and them, which grew to that height, that many began to question his Soundness in Religion; and this suspicion was improv'd by his Enemies, upon his putting notorious Papists into Places and Commands in his Armies. In excuse of which it hath been said, that it was done to keep them from going over to the Parliament Party, who it was visible enough had a great kindness for them in doing all they could (notwithstanding their own Defection) to keep the Papists in their due Allegiance, by shutting them out of all Commands and Employments in their Armies: which is a Truth so well known, that I cannot but wonder at that slip of the Pen in that Noble Author before cited, who positively tells the World, That the Parliament in raising their Army, considered neither Nation nor Religion.

But

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But Great Men when they are writing History, must have some Grains of Allowance more than an Historian of a meaner Figure; for being placed in such high Stations, Truth, which oftentimes lies conceal'd, is overlook'd by them. It would have been inexcusable in an Historian of a less size, to have affirmed, as that Author does, that King James his Parliament advised him to a War with Spain, whereas they only advised him not to continue any longer the two Treaties for the Marriage and Palatinate, no Enemy being declar'd during King James his Reign, nor some considerable time after, as appears by the Duke of Buckingham's Speech to both Houses, 1 Car. when he moved them to make the Fleet ready, and then the King bid them name the Enemy. Methinks those that had the publishing of that Author's Works, should have had more regard to his Reputation, than to let such Blunders and Mistakes as these pass: That King Charles's Commands were just, tho they swerv'd from the Law. That the Duke of Buckingham was Sir George Villiers eldest Son by his second Wife; whereas John Viscount Purbeck was the Eldest, Christopher Earl of Anglesey the Second, and the Duke the Youngest of the second Bed. That many Persons of Quality were executed for poisoning Sir Thomas Overbury; whereas no Person that looked towards Quality suffer'd for that Fact, but Sir Gervase Elwayes the Lieutenant of the Tower, unless Mrs. Turner's being a Bawd intitled her to Quality. That Sir Edward Sackville afterwards Earl of Dorset, Grandfather to the present Earl, was the younger Son of the Lord Treasurer Buckhurst, the first Sackville that was Earl of Dorset; whereas he was the younger

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ger Son of Robert Earl of Dorset, Son and Heir of the Lord Treasurer, which the People of East-Grimstead in Suffex have the greater occasion to remember, for that he founded the Alms-house there. That Tunnage and Poundage was refused King Charles by his Parliament; which it never was, but the great Misunderstanding between him and his third Parliament arose from this, That the King would have had them given preference to the consideration of Tunnage and Poundage before that of Religion; which they refus'd to do, because they conceiv'd Religion to be of the greater Consequence. That the Lord-Keeper Williams constantly opposed Bishop Laud's rising: whereas we have the Testimony of Archbishop Abbot (who, notwithstanding the said Author's Censures of him, will live in the Memories of all good Men) that when Laud had plaid that Prank of marrying the Earl of D. to the Lady R. while it was notoriously known she had another Nobleman then living to her Husband, and several Children by him, and for which King James for many Years would not prefer him; it was by Bishop Williams's Mediation that he at length got the Bishoprick of St. Davids: In requital whereof he afterwards undermined his Benefactor. That Mr. Oliver St. John, once Solicitor General to K. Charles the First, was a natural Son of the House of Bullingbrook; which I shall leave as I found, his Son and Heir living no further off than Northamptonshire, who should understand best his own Family. That Commitment by the House of Commons of any but their own Members, was not used till the Parliament in 1641. whereas Sir William Acton one of the Sheriffs of London was committed but the Parliament

liament before. That Mr. Pym received 5000 l. of the French Ambassador; which I suppose will gain little Credit with those who knew him, or have had his true Character, whether Friends or Enemies. That the House of Commons cannot print any thing; but upon what ground this is said I cannot imagine, there being at that time (viz. the beginning of the Long Parliament) no Act of Parliament to restrain Printing: and I have a better Opinion of that Noble Author's Understanding, than to suppose he conceiv'd the House of Commons could be restrained any other way; for it was only a Decree of the Star-chamber, by colour whereof Popish and Arminian Books flew so thick abroad in this King's Reign, when no Licenses could be obtained for Books written in confutation thereof, as the Booksellers and Printers complained to the Parliament 4 Car. Lastly, (to forbear other Instances) That the Ship Providence (which was the first that brought over Arms and Ammunition to the King from Holland) had but 2 or 300 Arms in her; and yet in a few Pages that small Number is swelled to 800 Muskets. These things (tho some of them not of the greatest moment) will incline one to think that that Noble Author has not perform'd the part of an exact Historian; for observing these only on a transient view of his Book, it raises a suspicion that he may have err'd in matters of greater Importance.

I shall not go further than the Times for which these Collections were intended; in the doing whereof I am beholden for the most part to Mr. Rushworth's first Volume, in composing of which he was, to my certain knowledg, assisted by a Person of great Judgment and Parts, which renders that

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Part highly valuable. 'Tis design'd to bring down this History to the Restoration, following his Periods as far as they go, and to make use of all Helps that can be obtain'd, whether in Print or Manuscript. And if the Reader finds not in Rushworth the Disast between the Duke of Buckingham and the Conde Olivares, set in so clear a Light as in this Preface, it being only said in the former, that the Duke lay open to some Affront which enraged him against Olivares, whereby he modestly cast a Garment over the Duke's Nakedness: It must be considered whose Secretary Mr. Rushworth was, and whose Daughter the late Duke of Buckingham married.

The Times for which these Collections were written, were very Turbulent, and consequently Unhappy for both King and Subject; the King was jealous of Incroachments upon his Prerogative, and the Subject sensible of Incroachments upon their Liberties. Add hereunto the King's hasty Dissolution of three Parliaments so soon after one another, and his palpable Breach of the Petition of Right, in so rigorously exacting Tunnage and Poundage without an Act of Parliament; and not having the patience to stay till an Act could be regularly passed in his third Parliament for that purpose; together with the pernicious Counsel given him to deny the Subject the Remedy provided by Law, for Men imprisoned without any Cause shewed, by a Device unheard of in former Ages, viz. That when the Judges were ready to give their Opinions upon the Returns of the Writs of Habeas Corpus brought by the imprisoned Members, the Prisoners were overnight removed to several other Prisons, to prevent their being brought into Court the next morning, when by the Judges Opinion they could neither be bailed,

bailed, delivered, or remanded: Which being done at the end of Trinity-Term, those Gentlemen were fain to lie in Prison all the long Vacation. Four Constables in Herefordshire, who were committed to Pursivants, were served in the same manner, being removed all the Term from Pursivant to Pursivant; for when a Writ of Habeas Corpus was delivered to him that had them in custody, they were presently committed to another.

These were such shuffling and legerdemain Tricks, as ill became Ministers of State, and Attorney-Generals. But thus was that unfortunate King abused by those about him, and drawn in to countenance the meanest and unjustest Actions; for certainly nothing could be more unjust than such Tricks in Law, and many an Attorney hath been thrown over the Bar for a less matter.

Histo-

Historical Collections.

TH E Grand Affair in the latter part of King *James's* Reign, was the *Spanish Match*, which over-ruled all his Counsels; for designing a general Peace, and the reconcilment of all Parties, he profest his willingness to meet the *Papists* half way, and resolved to match his Son with some Princess of high Descent, tho of a different Religion.

1618.

K. James w'd match Pr. Henry with a Daughter of Spain.

There had been a Treaty of Marriage between the late Prince *Henry*, and a Daughter of *Spain*; which was a mere Complement on the part of the *Spaniard*. The Duke of *Lerma* afterwards disclaimed the Treaty; but the *Spanish* Ambassador, being prest by Secretary *Cecil*, did, to vindicate his own Honour, in full Council produce his Instructions under the Duke's own Hand.

The jugling of the Spaniard.

After Prince *Henry's* death, the King set his Thoughts on a Daughter of *France* for Prince *Charles*; but the Lord *Hayes*, Ambassador there, found the Duke of *Savoy* was before-hand, and had prevailed for his Son the Prince of *Piedmont*, tho the *French* dissembled it.

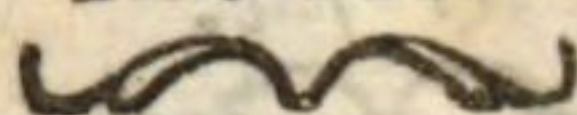
The King designs a Match with France for Pr. Charles.

During this Negotiation with *France*, the Duke of *Lerma* intimated to Sir *John Digby* Ambassador in *Spain*, his Master's Inclinations to match his second Daughter to Prince *Charles*: But it being strongly reported that the Match with *France* was concluded, the Business slept till Sir *John Digby's* return to *England*; from whence he writ to the Duke, who had desir'd it of him, that there was no cause of despair, unless the Difficulty of the Conditions rendred it desperate. And at his

The Spaniard makes an Overture of a Match.

Sir J. Digby and the Duke of Lerma treat about it.

An. 1618.



Digby's Advice to the King.

Gondomar manages the Treaty for the Spaniards.

English Navy neglected, and the Cautionary Towns restor'd to the Dutch.

The Spaniards proceed not sincerely.

return into *Spain* it was agreed between him and the Duke, That the Matters in difference should be digested into certain Heads (the two Kings not being as yet to appear in it): And that of Religion being thought the only difficulty of moment, it was propos'd to the Cardinal of *Toledo*, and the King's Confessor, and Father *Frederick* a Jesuit.

Sir *John Digby* advised the King, that this Proposal (which might be a mere Device to stagger the *French Treaty*) should not retard his other Designs, and therefore desired no formal Commission to treat, but only Instructions for his Direction and Warrant.

Such Overtures made way for that slowpac'd Treaty of many Years, which rather than break, the King of *England* would grant all things possible, being impatient of dissembling his own eagerness. It was chiefly carried on by *Conde Gondomar*, who by applying himself to the King's Humour, was exquisitely framed for it.

The *English Navy* lay unarmed, lest (said *Gondomar*) it should breed suspicion in the King my Master. *Flushing*, *Ramakers*, and the *Brill* in *Holland*, Cautionary Towns, and Keys of the *Netherlands*, were delivered up to the *Dutch* by King *James* to prevent Proposals from the *Spaniard* who claimed them. However the *English Interest* in that State was by this means weakned, and the strangeness between us and the *United Provinces* increased.

But little Sincerity appear'd in the *Spaniards*; for after a Consultation with their Divines, such unworthy Articles were proposed in Matters of Religion, that Sir *John Digby* rejected them. But being afterwards qualified, and debated between him and *Gondomar*, the King acquainted a select number of his Council therewith, who giving their Opinion that they found probable ground for a publick Treaty, Sir *John Digby* was under the Great Seal authorized to treat, and conclude the Marriage.

The

The Articles were signed by the King, and were to this effect, viz.

16 Jac.

The Pope's Dispensation to be obtained by Spain.

Articles of Religion between England and Spain.

The Children of this Marriage not to be restrained in the Matter of Religion.

The *Infanta's* Family, being Strangers, may be Catholicks, and shall have a Place for Divine Service; and the Ecclesiasticks may wear their Habits.

The Marriage to be celebrated in *Spain* according to the Council of *Trent*, and so solemniz'd in *England* as to make it a lawful Marriage.

The *Infanta* to have Chaplains, and a Confessor, all Strangers.

The King in the mean time declared, he would admit nothing that might blemish his Conscience, or detract from the Religion establish'd.

The *English* having Eighty-eight yet in memory, and abhorring Popery, generally opposed this Match: but if any spake louder than others, he was silenced and disgraced; while in *Spain* and *Flanders* Books and Pictures were painted to reproach the King and State. The *Roman* Catholicks desired the Match in hopes of a Toleration, if not of a total Restoration of their Religion.

Different Sentiments of the English about the Mass.

The *Conde Gondomar* used all his Interest to destroy Sir *Walter Rawleigh*, who tho in the beginning of this King's Reign he had been condemned for a dark kind of Treason, yet after many Years Imprisonment was impowered by the King to set out Ships and Men for gaining a Mine of Gold in *Guiana*. But he having acquainted the King with the number of his Men, the strength of his Ships, and the Country and River he was to enter; all was discovered to *Gondomar*, and Intelligence sent into *Spain* and the *Indies*, before *Rawleigh* was got out of the *Thames*. The Action proved unfortunate, and the *Spaniards* at *St. Thomas* opposing his passage up the River, he sacked and burnt the Town. *Gondomar* demanded Reparation. The King

Gondomar contrives Sir *W. Rawleigh's* Death.

An. 1618.  disavowed the Action; and *Rawleigh* at his landing at *Plimouth* was seized, recommitted to the *Tower*, and offered up a Sacrifice to *Spain*, not (as *Gondomar* designed) for infraction of the Peace, but upon his former Judgment; and he lost his Head, altho he urged, That the King having by his Commission given him power over the Lives of others, he had thereby made him Master of his own.

Commutations in Germany.

Commutations breaking out in *Germany* between the Protestants and the House of *Austria*, the King of *Spain* was engaged by the Catholick Cause, and the *Austrian* Family; and King *James* by the Religion he professed, and his Son-in-law the Elector Palatine; but his Councils were wholly govern'd by the unhappy *Spanish* Treaty.

Jealousies and Discontents arise between the *Catholicks* and *Lutherans*.

Arch-Duke Ferdinand chosen and crown'd King of Bohemia and Hungary.

The Emperor *Matthias* declared the Arch-Duke *Ferdinand* his Successor, and caused him to be chosen and crowned King of *Bohemia* and *Hungary*, reserving the exercise of the Kingly Power to himself.

The Catholicks keep a Jubilee, and the Protestants another.

The Jesuits rejoice for *Ferdinand*, and the Pope appointed a Day of Jubilee. To answer which, it being the hundredth Year since *Luther* first opposed the Pope, the Elector of *Saxony* ordained a Feast of three days, which was observed by some Universities and Imperial Towns, and by the *Calvinists* also.

The Emperor writ to the Protestant States to acquiesce in the resignation of *Ferdinand* to the Empire, to observe the Golden Bull, and to dissolve their Leagues. The Protestants in their Answer shew how they had been oppressed by the Catholicks, and had sought redress in vain: That their League consisted only of Protestant *Germans*; but the Catholicks had confederated with Strangers.

An Assembly of the Protestants at Prague.

The Count of *Thurne*, and other Evangelicks, assembled at *Prague*; which the Emperor terms *Sedition*, and requir'd his Council there to oppose them. Nevertheless in their publick Worship they continued to pray for the Emperor. The

The *Bohemian Troubles* took their first Rise from the Breach of the Edict of Peace, and of the Accord made by the Emperor *Rhodolph*, where by the Protestants had the free Exercise of their Religion, enjoyed their Temples, and had liberty to build new ones, which now the Catholics would not suffer them to do within the Lordships of the Catholick Clergy.

16 Jac.

The Rise of the Bohemian Troubles.

On the 23^d of *May*, the chief of the Evangelicks went armed into the Castle of *Prague*, and opened their Grievances to the Council; but being intraged by Opposition, threw *Slabata* the Chief Justice, *Smesancius* one of the Council, and *Fabricius* the Secretary, from a high Window into the Castle Ditch. Hereupon the Assembly of the Evangelicks placed new Guards, chose Directors, Governors, and Counsellors; consulted of raising Forces, banished the Jesuits, and published a Declaration to this effect.

The Emperor's chief Officers thrown out of a high Window in the Castle of Prague.

THAT they had endured infinite Injuries, especially from the Jesuits, who would subject them to Popery; termed them Hereticks, displaced them, and pursued them with Fire and Sword. Their Ministers were banished, and their Charges given to Roman Catholics. Several persecuted for Religion, under pretext of civil Offences. In any difference about the Edict of Peace, they were prejudged before hearing. Their lawful Meetings declared Sedition and Rebellion, and their Estates and Lives threatned.

The Protestants Declaration.

This they sent to the Emperor, with a submissive Letter, asserting their own Fidelity, and praying the removal of his Evil Counsellors. But the Emperor no way pacified, charged them to lay down their Arms, promising them to disband his Soldiers, to forgive what was past, and to protect the Obedient.

The Emperor disgusted therewith.

He published a *Manifesto*, and wrote Letters to the Princes and States of the Empire, with high Aggravations of the Violence offered at

He publishes a Manifesto.

An. 1618.

Both Parties
Arm.

Prague to his principal Officers, without Hearing, Summoning, Process, or one Moment for Repentance.

The War breaks out: The Emperor raises Forces under the Counts *Buquoy* and *Dampiere*. The Evangelicks under the Counts *de Thurne* and *Mansfelt*: *Moravia*, *Silesia*, *Lusatia*, the Protestant Germans, and Neighbours of *Bohemia*, assist the Evangelicks; and the Prince of *Orange*, and States of the *United Provinces*, promise them Aid.

An Arbitration by the Elector of *Ments*, and Duke of *Bavaria*, Catholics; and the Electors *Palatine*, and of *Saxony*, Protestants, is proposed, and the Place to be *Pilsen*: but the Evangelicks dislike the Place, the People being all Catholics.

The Elector of *Saxony* stood Neutral, but the Duke of *Bavaria* declared for the Emperor.

A Comet appeared.

A Comet appeared; to whose Threatnings a Learned Knight boldly affirmed that *England* (and not *Africa* only, as some out of flattery would have it) was liable; as was also that Person, in whose Fortune we were no less embarked, than the Passenger in the Pilot's. Dr. *Bainbridge* a Famous Astronomer observed, that on the eleventh of *December* it passed over *London*, and hasted Northwards.

K. James in
hot pursuit of
the Spanish
Match.

Amidst these Distractions the House of *Austria* improv'd their Interest in King *James*, who was in hot pursuit of the *Spanish Match*; and the *Spaniards* made shew as if they desired nothing more. The King of *Spain* prepared for the *Infanta's* vast Portion, being two Millions; and with himself all Dispatches seemed to pass freely, but his Ministers proceeded slowly; whereas 'twas observed that King *James* would gratify the *Spaniards*, tho' he disgusted his own Subjects. But no Favor was granted to any Subject of his by the King of *Spain*, without designing to ingage him in his own Service; as may be collected from the following Letter written by a great

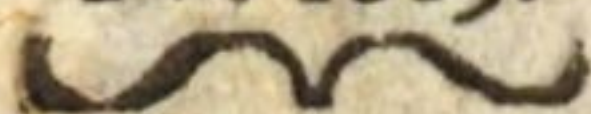
great Minister of State to Mr. Cottington then Agent in Spain, viz.

16 Jac.

“ **T**hat *Gondomar* had proceeded very slowly in his Journey, and it's murmur'd here, that if he had thought his Master had desir'd the speedy effecting of the Match, he would have made more haste homewards: And that the Match was never sincerely intended, but promoted to amuse his Majesty, and gain time: That for his own part he was well perswaded of their Intentions; for if there be either Honour, Religion, or moral Honesty in them, the Protestations and Professions they have made are enough to persuade a Man to expect sincere dealings, unless they are worse than Infidels, and the most perfidious People in the World, and the rather for that his Majesty hath given them so many Testimonies of his sincere Intentions, as of late, by cutting off Sir *Walter Rawleigh*, chiefly for their satisfaction. That he should shortly receive a Declaration, shewing the Motives inducing his Majesty to recal his Mercy to Sir *Walter*: That he should represent his Majesty's real manner of proceeding with that King and State; and how he hath strained upon the Affections of his People, especially in that of Sir *Walter Rawleigh*, who died with great Courage and Constancy; the common People attributing his Death to the desire his Majesty had to satisfy *Spain*. That he should let them know how able a Man Sir *Walter Rawleigh* was to have done his Master Service, and yet to give them content he had not spar'd him, when by preserving him he might have given satisfaction to his Subjects; whereas the King of *Spain* will do nothing to lessen the Affections of his People: That the least they can do is, to answer his Majesty with sincere and real proceeding, which is all he expects: That he should intimate to them how impossible 'tis to have Peace long continued if they should deal indirectly: But herein

A Letter from a great Minister of State to Mr. Cottington.

An. 1619.



“ he must be cautious and temperate; for altho
 “ that stile most prevails with them, yet Threats
 “ and Revenge are no wooing Language. That he
 “ should be earnest with *Gondomar* to negotiate
 “ the liberty of Mr. *Mole*, Father *Baldwill*’s li-
 “ berty being granted him upon his promise to
 “ use his utmost endeavours to procure Mr. *Male*’s:
 “ That he should let them know, that altho *Osu-*
 “ *livare* had done them many Services during the
 “ Hostilities between *England* and *Spain*, yet those
 “ ceasing upon his Majesty’s Accession to the
 “ Crown, and there being now a perfect League
 “ and Amity between them, his Majesty cannot
 “ but dislike that they should bestow upon him any
 “ Title or Dignity which only or properly be-
 “ longs to him to give to his own Subjects, and
 “ would be glad they forbore to confer any such
 “ titular Honours upon his Subjects without his
 “ Privy, and not endeavour to make the *Irish*
 “ have any dependance on that State.

Queen Anne
dies.

This year Queen *Anne* dy’d: The common People thinking the blazing Star rather betoken’d her Death than the Wars in *Bohemia* and *Germany*.

1619.
The Emperor
Matthias dies.

In 1619. the Emperor *Matthias* dy’d, having immediately before his death instituted Knights of several Orders for defence of the Catholick Religion; and the Elector *Palatine*, whose right it was by the Golden Bull, govern’d as chief Vicar of the Empire during the *Interregnum*.

Ferdinand
proposeth a Ces-
sation of Arms.

King *Ferdinand* propounded a Cessation of Arms, but was refus’d; the *Bohemians* declar’d their Kingdom to be elective, but that their King always ought to be one of the Royal House of *Bohemia*. The Evangelicks in the upper *Austria* were for uniting with the *Bohemians*: The Protestant States of *Moravia*, and *Silesia*, banish’d the Jesuits: The *Bohemians* prosper’d at first, but the *Austrians* receiv’d new Vigor by Supplies out of *Hungary* and *Flanders*, and the Duke of *Bavaria* levied Forces for them, the Emperor having
for

for his Expence ingag'd part of his Country to him.

17 Jac.

King *James* interpos'd in these Differences, and sent the Viscount *Doncaster* his Ambassador to mediate a Reconciliation: His love of Peace, his fears of what the Issue might be, and the King of *Spain's* Request moved him to it; and it was the Policy of *Spain* to make him a Reconciler, thereby to place him in a state of Neutrality: But his Mediation was slighted by the Catholick Confederates, and his Ambassador shuffled out of the business, and Mr. *Cottington* professed the best Service he could do would be to disengage the King his Master.

King *James* interposes by his Ambassador the Viscount *Doncaster*.

The Electors of *Mentz*, *Brandenburg*, *Cologne* and *Triers*, and the Representers of the Duke of *Saxony* met at *Frankford* to choose the Emperor; on the 8th of *August* *Ferdinand* was chosen, and upon the 19th of *September* had the Imperial Crown set upon his Head. The Ambassadors of the Elector *Palatine* came, but were denied entrance. The *Bohemians* disclaim'd the Election, and chose Count *Frederick* *Palatine* of the *Rhine* for their King.

Ferdinand chosen Emperor.

Bohemians chose the *Palatine* for their King.

Bethlem Gabor Prince of *Transilvania* offer'd the Evangelicks his Assistance, which was accepted, and he enter'd *Hungary*, marching with an Army even to the Walls of *Vienna*.

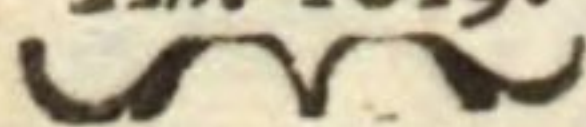
Bethlem Gabor aids the Protestants.

The Count *Palatine* crav'd the Advice of his Father-in-law King *James*, whether he should accept the Royal Dignity: Whereupon Archbishop *Abbot* wrote his Mind to Secretary *Nanton*; "That God had set up this Prince, his Majesty's Son-in-law, to propagate the Gospel, and protect the Oppressed: That he durst not but advise to follow when God leads: That by degrees the Kings of the Earth shall leave the Whore: That the *Bohemians* had just cause to reject that proud and bloody Man, who had taken that elective Kingdom by the Donation of another: That a noble Son should not be forsaken, but other Potentates stir'd up by our Example: That the

The *Palatine* craves the Advice of King *James*, whether he should accept the Crown.

Par.

An. 1619.



Before Answer
came he had
accepted it.

King James
disavows the
Act.

And clears
himself to the
King of Spain.

Who resents the
Viscount Don-
caster's Pro-
ceedings.

“Parliament is the old and honourable way of
“raising Mony : And perhaps God provided the
“Jewels laid up in the Tower by the Mother for
“the Preservation of the Daughter ; that if
“Countenance be given, many brave Spirits
“would offer themselves.

Such was then the Judgment of the *Anti-Spanish*
Party in *England* ; but the King was not pleased
that his Son should snatch a Crown out of the
Fire, and was wont to say, the *Bohemians* made
use of him as the Fox did of the Cat's foot. But
before the King could answer the *Palsgrave's*
Letter, he had accepted of the Crown : King
James disavowed the Act, and would never grace
his Son-in-law with his new Title ; but sent
Sir Richard Weston and *Sir Edward Conway* his
Ambassadors into *Bohemia* to close up the Breach.

The King, to remove all suspicion from his Bro-
ther of *Spain* that this Election had been made by
his Procurement, commanded his Agent *Cottington*
to give that King a plenary account of all Pro-
ceedings ; and that when he sent his Ambassador
to compose the Differences, he had no other An-
swer, but that the matter was refer'd to four of
the Electors, so that there was no room left for
his Mediation ; whereby the *Bohemians* finding no-
thing was to be hoped for from that Mediation, out
of mere despair elected the Count *Palatine* for their
King. And to clear King *James*, his Letters to the
Princes of the Union, and to the *Palatine* himself,
expressing his dislike of the *Bohemians* engaging a-
gainst their King, were presented to the King of
Spain's view. The *Spaniard* reply'd, That not-
withstanding that Answer the Viscount *Doncaster*
might have proceeded in his Negotiation, and by
his Master's Authority have remov'd any difficulty
on the Emperor's part : But he presently endea-
vour'd to suspend the Emperor's Election until the
Bohemian Controversy were first compos'd, and
when in *Liege* would have made Bonfires for the
Count *Palatine's* being elected King of *Bohemia*.
But as to the King's Integrity in the whole business,
the

the Satisfaction render'd was receiv'd with great Applause.

17 Jac.

The King of *Poland* aided the Emperor in *Hungary*: The Duke of *Saxony* lik'd not the Regality of his fellow Elector, nor his joining with *Bethlem Gabor*, who (saith he) came in with the *Turks* consent to make a Desolation in the Empire. The Emperor proscribes King *Frederick*, proclaims him guilty of High-Treason, and absolves all his Subjects from their Allegiance. *Christian* Prince of *Anhalt* was appointed *Generalissimo* of the *Bohemian* Army, and Forces were raised for the defence of the *Palatinate* under the Marquess *Ans- bach*; the Evangelicks were often worsted by General *Buquoy*: The Duke of *Bavaria* marched against them with 15000 Men, and they were weakened by a Cessation of Arms in *Hungary* between the Emperor and *Bethlem Gabor*.

The King of Poland aids the Emperor.

The Palatine proscribed.

In *Spain* they make Preparations for this War, but the King of *England* will not take the Alarm, abhorring War in general, and distasting the *Palsgrave's* Cause as an ill Precedent against Monarchy; and hoping to compose all by the *Spanish* Treaty, for which purpose Sir *Walter Aston* was sent Ambassador to *Spain*, and *Gondomar* return'd to *England*. The Articles for liberty of Conscience to the *Infanta* and her Family were enlarg'd and allow'd by the King of *England*; who assur'd the King of *Spain* he had done as much for the *Roman* Catholicks as the Times would bear, and promis'd no Catholick should be condemned upon any Capital Law, and that he would do his utmost to oblige his Catholick Subjects to him: This gave great satisfaction in *Spain*, and a Paper was drawn up to persuade the Pope to grant a Dispensation.

King James will not engage in the War, but sends an Ambassador into Spain to negotiate the Match.

Immunities promis'd to the Catholicks.

In *Flanders* 26000 Foot and 4000 Horse were rais'd under Marquess *Spinola*, to whom the King of *England* sent to know the cause of so great Preparations: His Answer was, that his Commission was seal'd up, and not to be open'd till his Army was compleat, and brought to a Rendezvous. When his Commission was open'd, he was to make War with

1620.

An Army under Spinola.

An. 1620. with all those that were confederate with the *Bohemian* Rebels, which he communicated to the *English* Ambassador; and yet no more could be obtain'd from the King than one Regiment, under the Command of Sir *Horatio Vere*, consisting most of Gentlemen: The Earls of *Oxford* and *Essex*, and several other Persons of Quality were the Commanders under him; and this handful of Men reached the *Palatinate* with some difficulty.

The Protestant States of Austria renounce their Confederacy with the Bohemians. Upon the *Bavarians* approach, the Protestants of both the *Austria's* submit to the Emperor, saving to them their Religion; the *Bohemians* and their King being but 20000, besides 10000 from *Bethlem Gabor*, they fortify their Frontiers. The Emperor sent to the Elector of *Saxony* to execute his Ban against the Count *Palatine* and the *Bohemian* Rebels: The *Bohemians* request him at least to stand neuter: But he reply'd to King *Frederick*, he had often represented to him the ruin was like to follow by taking anothers Crown, and that he could not disobey the Emperor; so he enter'd *Lusatia*, and quickly reduced a Part thereof.

The Elector of Saxony assists the Emperor. In the *Palatinate* *Spinola* took divers Towns, but declin'd a Battel: Nor was the Marquess of *Ansbach* forward to engage. The access of Strength to the Emperor, and the slender Aid from the King of *Great Britain* disheartned the *German* Princes, and contributed to the Dissolution of the Union. The season of the year drew the Armies into Winter-quarters, and the *English* Regiment was dispos'd into three principal Garisons, *Manheim*, *Heidelberg*, and *Frankendal*.

The Princes of the Union disheartened. The Marquess of *Buckingham* writ to *Gondomar* that the King would stand neuter for Conscience, Honour, and Example sake: He being against all Wars for Religion, his Son having accepted the Crown while he was in Treaty for him, and the Translation of Crowns by the Peoples Authority being of dangerous consequence; and yet he would not quietly see his Children dispossest'd, and the

Emperor

Emperor reject all Overtures of Peace.

18 Jac.

Our State-Ministers, even those of the *Spanish* Faction, discern'd the *Spaniards* trifling with us, yet still discover'd a willingness to wait further, for the *English* Patience seem'd invincible. In the mean time for the Support of the *Palatinate* the Privy-Council began to raise Monies by Letters directed to divers Earls, Viscounts, Bishops and Barons, importing, That the *Palatinate* being the antient Inheritance of the Count Palatine, and to descend to his Majesty's Grand-Children, was invaded by a Foreign Enemy, and a great part of it in the possession of Strangers: That his Majesty out of Consideration of Nature, Honour and State, had declar'd himself in the course of an Auxiliary War for defence and recovery thereof: That a Supply by other means being not to be had timely enough to answer so pressing an occasion, they had agreed to begin with themselves in the offer of a voluntary Gift to his Majesty, not doubting but his Lordship, being a Peer of the Realm, would follow their Example. The like was sent to the Lord-Mayor of London.

The Imperial Forces under *Bavaria*, *Buquoy* and *Balthazar*, advance towards *Prague*; the *Bohemians* drain their Garisons to compleat their Army; but neither Count *Mansfield* nor the *English* were there. On Sunday the 8th of November was the fatal Decision; the *Bohemian* Army was totally routed, and the King and Queen fled out of the City next morning.

Frederick's Forces totally routed at Prague.

King *Frederick* had dishonourably suffer'd his Souldiers to mutiny for Pay when he had a Mass of Mony by him, which became a Prey to the Enemy: Nor was *Anhalt* the General fit for such a Trust, he soon after revolting to the Emperor, and being made one of his Generals to depress the Protestants: But *Mansfield* continued his Fidelity, and with his flying Army harass'd the Emperor's Countries.

Upon this Overthrow King *James* call'd a full Council at *White-hall*, where in order to the recovery of the *Palatinate*, the Earls of *Oxford* and *Essex*

A Consultation about the recovery of the Palatinate.

An. 1620.

Essex (who were newly return'd from thence) and some Noblemen and Commanders were appointed to meet together, and advise with other experienc'd Persons upon what should be refer'd to them from the Board: The Particulars refer'd were, 1. What Proportion of Men, Munition, Victuals, Shipping and Treasure will be sufficient for that Enterprize. 2. By what time these Forces must be in readines. Where the Arms, Munition and Victuals may be best provided; with other incident Circumstances: And Mr. *Secretaries* were to acquaint them with the Enemy's Strength in the *Palatinate*.

King James
sends 30000 l.
to the Princes
of the Union.

The King sent the Princes of the Union 30000 l. but yet likewise dispatch'd Sir *Edward Villiers* into *Silesia* to fetch the *Palsgrave's* Submission to the Emperor.

The Spaniards
flatter him.

The *Spaniards* never flatter'd King *James* more than at this time: They told him he should do what he pleas'd in the *Palsgrave's* Restitution; that the *Infanta's* Portion was preparing, and the Pope must grant the Dispensation: And *Cottington* now cries up *Gondomar*, who had gain'd here the access of a Favourite rather than of an Ambassador.

English Pensioners
to Spain.

Some *English* were suspected to be Pensioners to *Spain*, as may be gather'd by that King's Instructions to his Ambassador here, viz.

The King of
Spain's In-
structions to his
Ambassador in
England.

That he hath endeavour'd to promote the Interest of the Catholicks in *England*, as well in the late Queen's Reign as in this; yet by the ill Offices done by the Puritans and Protestants (of whom the greater part of the King of *England's* Council consists) their Calamity still continues: That herein to avoid Jealousies he hath proceeded with all fitting Wariness and Dissimulation. That *D. A.* shall inform him what hath passed herein, and how he (the Ambassador) shall govern himself for the future: That altho it may be believed that those Catholicks who have undertaken the management for the rest may be faithful, yet lest any Heretick should be secretly among them, he must

must tell them how much the King of *Spain* desires to ease them from the Pressures Queen *Elizabeth* put upon them, and that the King of *England* would reconcile himself to the Catholic Church. That he advised them to shew themselves Loyal Subjects, and abstain from all ill Practices and Speeches against the King's State or Person; which manner of dealing, if it come to the King's Knowledg (as possibly it may) it will oblige him, and make him more confident of his (the King of *Spain's*) Amity. That he do this dexterously, and inform himself from *D. A.* how far he may trust the Negotiants for the Catholics: And what Pensions are allotted to that King's Ministers and others; that he may serve himself thereof in all Matters of Consequence, they being given to that end.

That he (the Ambassador) tell every Man what his Pension is, to prevent being defrauded of any part. That it be paid punctually, to oblige them to do their Service punctually. That he advertise him how each Pensioner behaves himself: And that above all he inform himself of the King of *England's* Affairs; what Treasure he has; in what esteem with his Subjects; how they stand affected to each other, and towards their Neighbours, particularly towards him (the King of *Spain*). What Correspondence the King of *England* hath with *France*, with the Neutrals of *Holland* and *Venice*; what they treat of, and their Designs in hand. For the attaining whereunto *D. A.* will open several things to him, which he must follow.

Buckingham and his Dependants followed the King's Inclinations: But *Lenox*, *Hamilton* and *Pembroke* intimated their dissent. It's said, that *Gondomar* charged in his Accounts 1000 *l.* to Sir *Robert Cotton*, a Person ever averse to the House of *Austria*; and Reparation being demanded, it was obtained, but with a Salvo to the Ambassador's Honour, the Mistake being laid upon another.

The

An. 1620.

The King calls
a Parliament.

The Protestant
Union declines
in Germany.

The King's
Speech to the
Parliament.

The King aiming at uncontrolled Sovereignty, and impatient of his Peoples intermedling with Mysteries of State, had fallen into a dislike of Parliaments, and given way to Projects and Monopolies. Nevertheless he was now minded to call a Parliament, concluding that the eagerness of the People for the recovery of the *Palatinate*, would open their Purfes, and the Treaty with *Spain* would save the Trouble and Expence of a War: And accordingly Writs were issued forth to assemble them the 30th of *January*.

In *Germany* the Protestant Union declined. The Elector of *Saxony* reduced the remainder of *Lusatia*; *Moravia* submitted to the Emperor, praying only their Privileges as to Religion. *Silesia* was constrain'd to make its Peace.

The *Palatine* propounded to the Elector of *Saxony* an Overture of Peace; then went to *Brandenburgh*, and from thence to *Segenburgh*, where there was an Assembly of Protestant Princes and States. In the mean time Count *Mansfield* in *Bohemia* pillages several Towns of *Ferdinand's* Party.

The *English* taking a liberty to discourse of these Matters, King *James* by Proclamation forbids the intermedling, by Pen or Speech, with State Affairs at home or abroad.

On the 30th of *January* the Parliament sat: The King told them,

“ THAT he had made long Discourses to the
“ last Parliament; but all he had said had
“ turned to him again without success. That the
“ Parliament is composed of a Head and a
“ Body, the Monarch and the two Estates,
“ who are to treat of difficult Things, and give
“ their King their best Advice about making
“ Laws. The Lower House are to acquaint him
“ with their Grievances, but not to meddle with
“ his Prerogative. They are to offer him Sup-
“ plies for his Necessity, and he to distribute in
“ Recompence Justice and Mercy.

“ Reli

“ Religion stands in two Points, Persuasion
 “ and Compulsion: Jesuits, Priests, Puritans and
 “ Sectaries persuade, so should the Bishops by
 “ their Example and Preaching. But Compulsi-
 “ on is to bind the Conscience: and if the Match
 “ with *Spain* prove not a furtherance to Religion,
 “ he was unworthy to be their King.

“ That he had received less Supply than any
 “ King since the Conquest. The late Queen had,
 “ one Year with another, above 100000 *l.* per
 “ *Annum* in Subsidies; but he had had in all no
 “ more than four Subsidies, and six Fifteens,
 “ having been sparing to trouble them; but hath
 “ abated in his Household Expences, Navies and
 “ Munition, and chose for his Admiral a * young * Buckingham.
 “ Man of Honesty and Integrity, who had les-
 “ sened his Charges.

“ As to the miserable Diffensions in Christen-
 “ dom, for appeasing them he sent the Lord of
 “ *Doncaster*, whose journey cost him 3500 *l.*
 “ His Son-in-law sent to him for Advice, but
 “ within three days after accepted the Crown:
 “ Which he never approved of; 1. For Religi-
 “ ons sake, not holding with the Jesuits the dis-
 “ posing of Kingdoms lawful. 2. He was no
 “ Judg between them. 3. He had treated a
 “ Peace, and therefore would not be a Party.
 “ That yet he had sought to preserve his Chil-
 “ drens Patrimony. He had a Contribution,
 “ which amounted to a great Sum. He sent his
 “ Son 10000 *l.* and to the Princes of the Union
 “ 30000 *l.* Had they done their Parts, that hand-
 “ ful of Men he sent had done theirs. That he
 “ intended to have an Army next Summer, and
 “ desired them to consider of his Necessities.

“ He recommended Trade to their considera-
 “ tion, and would know the Reason why his Mint
 “ hath not gone these eight or nine Years: Pro-
 “ mised he would redress all Grievances; but said
 “ he that seeks after Grievances, hath the Spirit of
 “ Satan. That in his first Parliament he was a
 “ Novice, and in his last there were a kind of
 “ Beasts

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“Beasts called *Undertakers*, a dozen of whom undertook to govern the Parliament, and they led him.

Sir *Thomas Richardson* was chosen Speaker.

The Lord Digby sent Ambassador to Flanders, and Mr. Gage to Rome.

The King sent the Lord *Digby* to the Arch-Duke in *Flanders*, to gain a Cessation, and make way for a Treaty of Peace: And Mr. *George Gage* to *Rome*, to negotiate the Pope's Dispensation. The Arch-Duke obtain'd from *Spinola* a suspension of Hostilities: And Sir *Edward Villiers* brought the *Palsgrave's* Submission. But the twelve Years Truce between *Spain* and the *States* expiring, *Spinola* returned to *Flanders*, and left the *Palatinate* to the Imperialists.

The Palatine and his Princess go into Holland.

The *Palatine* and his Princess retired to *Holland*, where they were nobly received by the Prince of *Orange*.

The Embassage of *Weston* and *Conway* prevailed little. The Emperor went on with frequent Executions of the *Bohemians*, and exercised a Sovereignty there as a Conqueror, not as an elected King.

Imperial Protestant Towns submit to the Emperor.

More Princes of the Union, and Imperial Protestant Towns, submit to the Emperor, and intercede for the Elector *Palatine*; but were answered, that he had not sued for Pardon, but made Levies to renew the War; for the King of *Denmark*, the *United Provinces*, and divers *German* Princes still adhered to him.

Grievances complained of in Parliament.

The Parliament petition the King against *Jesuits*, *Seminary Priests*, and *Popish Recusants*; and fall upon illegal Patents and Projects, for which there was a great Fine and Annual Revenue throughout the Kingdom, especially those of Inns and Alehouses; and the Monopoly of Gold and Silver Thred, whereby the People were abused with base and counterfeit Wares; and gave the King two Subsidies. Sir *Giles Mompesson* was committed for heinous Offences of that kind, but escaped beyond Sea, and was pursued by the King's Proclamation.

The

The Commons at a Conference with the Lords, offered to prove that those Patents, and several others then enumerated, were all illegal; but they touched not the tender Point of Prerogative. Hereupon the King thus spake to the Lords, viz.

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“ **T**HAT he was ready to put in execution
 “ what they should sentence, for which Of-
 “ fice God had appointed him. A proof where-
 “ of he had given, by issuing out his Proclama-
 “ tion against Sir *Giles Mompesson*, who was fled.
 “ That two Reasons moved him to be earnest for
 “ such Execution. 1. His Duty to God who
 “ made him a King: For had these things been
 “ complained of to him out of Parliament, he
 “ would have punished them as severely, if not
 “ more than is now intended. And now they
 “ are discovered to him in Parliament, he shall
 “ be as ready in this way as in the other: For
 “ he was ashamed it was not his good fortune to
 “ have been the first Author of their Punishment
 “ in some ordinary Court of Justice: For no
 “ Person (how dear soever to him) shall be re-
 “ spected by him before the Publick Good.
 “ 2. He intends not to derogate from the Privi-
 “ leges of this House: For whatsoever he deli-
 “ vers to them as his own Thoughts, yet he
 “ wholly leaves the Judgment to them, knowing
 “ they will do nothing but where the like hath
 “ been done before: For whatsoever good Prece-
 “ dents can warrant he will allow, acknowledg-
 “ ing them to be the Supreme Court of Justice.
 “ Nor can he give them a greater assurance than
 “ that he hath done them the Honour to set his
 “ only Son among them.
 “ That the House of Commons at this time
 “ had shewed him more Love and Respect than
 “ ever any House of Commons did to himself, or
 “ (he thinks) to any of his Predecessors. As
 “ for this House, he had always found it respect-
 “ ful; and hopes that his Son, when he comes
 “ to be in his place, will remember that he was

1621.

The King's
Speech to the
Lords.

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“ once a Member of this House, and will main-
 “ tain their lawful Privileges. That he fears this
 “ House hath bribed him, he doth so good Offi-
 “ ces for them upon all occasions: The like he
 “ might say of *Buckingham*.

“ That both Houses having so freely given him
 “ two Subsidies, seeing he cannot at present make
 “ Retribution by a General Pardon, which is re-
 “ served to the end of the Parliament; the least
 “ he can do, is to do somewhat for the ease of
 “ his People. Three Patents are complained of;
 “ that of Inns, that of Alehouses, and that of
 “ Gold and Silver-Thred. That he will strike
 “ them all dead presently, leaving Alehouses to
 “ the Justices of Peace as before; and for that
 “ of Gold and Silver-Thred, it was vilely a-
 “ bused, and he had already freed the Persons in
 “ Prison. That he would recal all three Patents
 “ by Proclamation.

“ That he heard they had a Bill before them
 “ against Informers; he desires them, as they
 “ tender his Honour, and his Peoples Good, to
 “ give it a speedy dispatch, which will be a
 “ great ease to himself and those about him.
 “ That *Buckingham* hath complained to him how
 “ miserably he was wont, out of Parliament, to
 “ be vexed with Projectors and Informers. That
 “ the External Government of this Kingdom is
 “ like the out-side of a Coppice, which when
 “ one rides about, it appears thick and well
 “ grown, but within it is full of Plains and bare
 “ Spots. Justice, Peace, and Plenty surround
 “ us, and yet the People are polled and left bare
 “ by the vile execution of Projects, Patents, and
 “ such like.

“ That now they are ready to give Judgment,
 “ they will be careful of two things. 1. To do
 “ *bonum*. 2. To do it *bene*. *Bonum* is, when all
 “ is well proved, whereupon they judg: *Bene*,
 “ when they proceed formally and legally, where-
 “ in the Judges are to be consulted. That in
 “ judging, they are, 1. to recollect what is worthy
 “ of

19 Jac.

“ of censure. 2. To proceed as hath been usual
 “ in the like Cases. The moral reason of punish-
 “ ment being the Breach of the Laws in force,
 “ for none can be punished by Predestination be-
 “ fore a Law be made.

“ That Sir *Henry Yelverton* (a Prisoner in the
 “ *Tower* upon a Sentence in the *Star-chamber*)
 “ being accused about a Warrant Dormant made
 “ by him when Attorney-General (a very odious
 “ Matter) he freely puts him into their hands to
 “ proceed against him.

“ That he would have them proceed according
 “ to the Orders of their House, wishing that
 “ what he had said might be enter'd in the Re-
 “ cords thereof.

The Lords Sentence against Sir *Giles Mompef-
 son*, was, 1. To be degraded of Knighthood,
 saving the Dignity of his Wife and Children.
 2. To stand perpetually Outlaw'd for Misdemean-
 nor and Trespas. 3. To be no Witness nor Jury-
 man. 4. Excepted out of all Pardons. 5. Im-
 prisoned during Life. 6. Not to come within
 twelve miles of the Court, or Prince, or the Courts
 at *Westminster*. 7. Forfeiture of his Lands for
 Life, and Goods and Chattels, and 10000 *l.* Fine
 and Ransom. 8. Disabled to hold any Office,
 9. Be ever held Infamous. And, 10. (which the
 King added) perpetual Banishment. Sir *Francis
 Mitchel* a Projector, and *Mompesson's* Copartner,
 was fined 1000 *l.* degraded and imprisoned, and
 rode from *Westminster* into *London* with his Face
 to the Horse-tail. And the King revoked the Pa-
 tents and Proclamations concerning Inns, Ale-
 houses, and Gold and Silver-Thred.

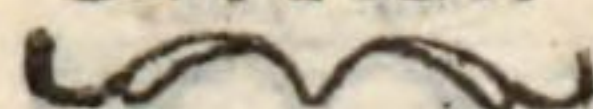
Sentence a-
 gainst Sir Giles
 Mompesson.

And Sir Fran-
 cis Mitchel his
 Copartner.

“ The King in his third Speech in Parliament
 “ declared much against Corruption and Bribery:
 “ Thanked them for the two Subsidies; but said
 “ the Mony was taken up before-hand for defence
 “ of the *Palatinate*, maintenance of his Children,
 “ and raising an Army; and the Charge of

The King's
 third Speech in
 Parliament.

An. 1621.



Lord Chancellor
Bacon accused
and convicted
of Bribery.

“ Ambassadors or of an Army (if no Peace)
“ requir'd more Subsidies.

The Lord Chancellor *Bacon* was proceeded against, and the Commons at a Conference observ'd,
1. His incomparable Parts. 2. The Dignity of the Place he held, from whence Bounty, Justice and Mercy were distributed, and no Appeal but to Parliament. 3. He was accused of Bribery and Corruption in this eminent Place. The Marquess of *Buckingham* told the Lords he had receiv'd a Letter from him, that he was indispos'd in Health, and would willingly preserve his Honour and Fame, but yet would plainly and ingenuously confess what he remember'd, and would put himself upon their Honours and Favours.

But the Charge came home, and he abandoned all Defence in the following Submission to the House of Lords, viz.

“ He craves a benign Interpretation of what
“ comes from wasted Spirits and an oppressed
“ Mind.

“ That yet in the midst of as great Affliction as
“ Man can endure (Honour being above Life) he
“ must profess himself glad for two things, 1. That
“ the greatness of a Judg shall hereafter be no
“ protection of Guilt. 2. That after this Exam-
“ ple it's like Judges will fly from any thing in
“ the likeness of Corruption. That he understands
“ there hath been expected from him some Justi-
“ fication; but after his Confession, all the Justi-
“ fication he will use shall be that of *Job*, *That he*
“ *hath not hid his Sin as did Adam, nor concealed*
“ *his faults in his Bosom.*

“ That without Fig-leaves he acknowledges he
“ finds matter sufficient and full enough to move
“ him to desert his Defence, and their Lordships to
“ condemn and censure him: That he will not
“ trouble their Lordships with such Particulars as
“ may fall off, nor where the Proofs come not home,
“ nor with the Credit of the Witnesses, nor how
“ far the Offence may be extenuated by Time,
“ Man-

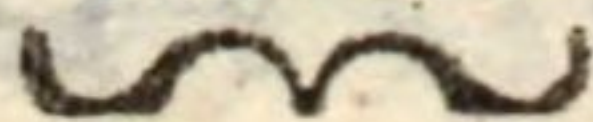
“ Manner, or other Circumstances, but leaves those
 “ things to spring out of their more noble
 “ thoughts.

“ That having spoken to them as Judges, he shall
 “ now speak to them as Peers and Prelates: Their
 “ Lordships are Parliamentary Judges, and are not
 “ ty'd up by ordinary course of Courts or Prece-
 “ dents in points of Strictness and Severity, much
 “ less in points of Mercy and Mitigation. *Titus*
 “ *Manlius* took his Son's Life for giving Battel a-
 “ gainst his General's Order; not long after the
 “ like Severity was pursued against *Quintus Maxi-*
 “ *mus*, but he was spar'd: Whereupon *Livy* ob-
 “ serves, That the Discipline of War was no less
 “ establish'd by the questioning of *Quintus Maxi-*
 “ *mus*, than by the Punishment of *Titus Manlius*:
 “ The questioning Men in eminent Places carrying
 “ with it the same Terror, tho not the same Rigor
 “ with the Punishment. But his case staid not there,
 “ for his desire was that his Majesty would take the
 “ Seal into his hands. Their Lordships have Mercy
 “ and Mitigation in their Power, and if it no way
 “ crosses their Ends, why should not he hope for
 “ Favour and Commiseration? That the King is a
 “ King of incomparable Clemency, and the Prince's
 “ Presence among them deserves to be made me-
 “ morable by Acts of Mercy and Justice: And
 “ they themselves are either Nobles, and Compas-
 “ sion always beats in the Veins of noble Blood;
 “ or Prelates, who are the Servants of him who
 “ would not *break the bruised Reed*, or *quench the*
 “ *smoking Flax*. That there are *vitia temporis* as
 “ well as *vitia hominis*: Reformation being con-
 “ trary to the Pool of *Bethesda*; for this only
 “ helped, that only hurts him that is first cast in.

“ His humble Suit was, That his penitent Sub-
 “ mission might be his Sentence, the loss of the Seal
 “ his Punishment, and that they would recom-
 “ mend him to his Majesty's Grace and Pardon.

The Parliament requir'd the Chancellor to con-
 fess the Particulars of the Charge, which he did
 even to a dozen of Buttons, which his Servant

An. 1621.



took in a Cause depending before him: He observ'd that there were few or none of the Charges that were not almost two years old. The Lords gave Sentence that he should undergo Fine and Ransom, be incapable of bearing Office, &c.

This learned Peer was no admirer of Money, yet was unhappily defiled therewith: He treasured up nothing, but dy'd in debt: He conniv'd at his Servants takings, which were most for interlocutory Orders; for his Decrees were made with so much Equity, that none of them were ever revers'd.

Sir Henry Yel-
verton accused
by the Com-
mons.

Sir *Henry Yelverton* was charged by the Commons with committing several (when Attorney-General) for not giving Bond for restraining their own Trades; for signing dormant Warrants: That he advis'd the Patent of Gold and Silver Thred to be resum'd into the King's hands, granted 4000 *Quo Warranto's* upon the Patent of Inns, and tried but two of them, and commenced divers Suits touching the Gold and Silver Thred, but prosecuted none of them.

Which Charge being read unto him, he said,
 “ He thought himself happy that his Majesty was
 “ pleased to send him to that Honourable House:
 “ But he desir'd time to answer, adding, That the
 “ chief Complaint against him was about those
 “ two Patents of Gold and Silver Thred, and
 “ Inns; that the King and Subjects were abus'd
 “ by that Patent of Inns, and that he at that
 “ day suffer'd for opposing it.

The King being inform'd of that Passage, came to the House of Peers, and told them, it seem'd strange that Sir *Henry Yelverton* should be questioned about any thing but the Patent of Gold and Silver Thred: For *Mompesson* complaining that he refus'd to issue out any *Quo Warranto's* against the Innkeepers, *Yelverton* told the King he disliked those Proceedings against his Subjects, which modest Answer the King accepted. But since now he taxes his Majesty that he suffer'd for his
 good

good Service done, he requires the Lords to punish *Yelverton* for his Slander.

Sir *Henry Yelverton* being brought before the Lords, answer'd every particular of his Charge: And moreover said,

“ That he came there with much Fear, but
 “ more Grief; that it was *Buckingham's* Displea-
 “ sure that wounded him; but he who never fear'd
 “ that great Man, never fear'd Sir *Edward Villiers*
 “ and Sir *Giles Mompeffon*, who were but his Sha-
 “ dow, confess'd that *Buckingham* being ever at
 “ his Majesty's hand to hew him down, he out of
 “ fear to offend his Majesty committed the Silk-
 “ men: And speaking of the Patent of Inns, he
 “ bemoan'd his unhappiness, that endeavouring in
 “ the one Cause to advance his Majesty's Profit,
 “ and in the other to preserve his Honour, he
 “ should be questioned for both.

“ That when Sir *Giles* saw he would observe
 “ his Majesty's Direction, he, first by Mr. *Emer-*
 “ *son*, and then by himself, as from my Lord of
 “ *Buckingham*, threatned him, that he should not
 “ hold his Place a month if he withstood the Pa-
 “ tent of Inns: And that my Lord had obtain'd
 “ it by his Favour, and would maintain it by his
 “ Power.

“ So it was come to this, whether he would
 “ obey his Majesty or my Lord: But he resolv'd
 “ to be as stubborn as *Mordecai*,

“ That soon after the Profits of his Place were
 “ diverted to one of my Lord's Worthies, and it
 “ was almost the loss of a Suit to apply to him.

“ That if my Lord of *Buckingham* had read the
 “ Articles against *Hugh Spencer*, and known the
 “ danger of placing and displacing Officers about
 “ the King, he would not have been so bitter:
 “ That his opposing my Lord in the Patent of
 “ Inns, in that of Alehouses, in the *Irish* Customs,
 “ and in Sir *Robert Nanton's* Deputation of his
 “ Place in the Court of Wards, had been his
 “ Overthrow, he having suffer'd in his Fortune
 “ above 20000 l.

The

An. 1621.

Sir Henry Yel-
verton sen-
tenced.

Gondomar af-
fronted in
London-
streets.

Sir Robert
Mansel sent a-
gainst the Pi-
rates of Al-
gier.

The King by the Lord-Treasurer acquainted the Lords, he understood *Yelverton* had accused the Marquess of *Buckingham*, saying, he suffer'd for the Patent of Inns, which had aggravated, not extenuated his Offence the last day here: That he will be Judg of what concerns himself, and for what concerns *Buckingham* he leaves him to that House. The Lords pray, that since the King had already made them Judges of what touched his own Honour, he would not resume it out of their hands, which was granted.

The Lords sentenced Sir *Henry Yelverton*, that for his Speeches which touched the King's Honour, he should be fin'd to the King in 10000 Marks, be imprisoned during his Pleasure, and make Submission to his Majesty: And for scandalizing the Marquess of *Buckingham*, that he should pay him 5000 Marks, and make his Submission.

The Marquess immediately stood up, and remitted him the 5000 Marks; the House moved the King to mitigate his Fine. Sir *Henry* was set at liberty, the Marquess reconcil'd to him, and he afterwards made a Judg.

Gondomar had rais'd the Peoples fury for advancing the Designs of *Spain*, and was reviled and assaulted in *London-streets*: The Privy-Council commanded the Recorder of *London* to examine into it; one Fellow already taken not for the Assault, but for railing at him, the King commanded to be publickly and sharply whipped the next day from *Aldgate* to *Temple-bar*.

Gondomar by his Power with the King had transported Ordnance to the *Spanish* Arsenals, and (as believed) had underhand caus'd the sending of Sir *Robert Mansel* into the *Mediterranean* against the Pirates of *Algier*, wherein the *English* Fleet perform'd bravely, and fir'd the Pirates Ships within their own Harbour: But this diverted our Strength, exhausted our Treasure, secur'd the *Spaniards*, and left them at liberty to subdue the *Palatinate*.

The King's Affairs in *Germany* grew desperate:

In

In *Bohemia* the Emperor proceeded to the Trial and Execution of several eminent Persons who were in the late Commotions, whose Heads were fix'd on the Towers of *Prague*, and their Bodies quarter'd; others were condemned to perpetual Imprisonment: And several others in *Austria* and *Hungary* were imprisoned, and their Process form'd. The Marquess of *Jagerndorf*, who rais'd Forces for the *Palatine*, publish'd Letters against those Executions as cruel and barbarous. The Emperor answer'd, that some few Persons in *Bohemia* only (the Authors of the Troubles) had been punish'd, but in other places the Articles of Peace should be observ'd.

19 Jac.
The Authors of the Commotions in *Bohemia* punished.

The Parliament having sat four Months, the King declar'd to them he thought fit to adjourn them, which Adjournment kept them in being, and therefore was better than Proroguing: That he had redress'd Corruptions in Courts of Justice, and call'd in the Patents of Inns, and Gold and Silver Thred, and cherish'd the Bill against Informers and Monopolies.

The King intends to adjourn the Parliament.

The Commons troubled at this Message, desir'd the Lords to join in a Petition against the Adjournment: The Lord-Treasurer told the Lords, that that would derogate from the King's Prerogative, who alone had Power to call, adjourn and determin Parliaments. "The King coming to the House of Lords, thank'd them for acknowledging his Power, and refusing to join in the Petition: Told them, that if they desir'd it, he would give them eight or ten days longer, but not at the request of the Commons. The Lords mov'd for fourteen days, which was granted, and the Commons were satisfied with the Adjournment, which the King on *June 4.* declar'd to be till *November*; and that in the mean time he would of his own Authority redress Grievances.

Which troubles the Commons.

The Commons before their Recess drew up a Declaration to this effect, viz. That if his Majesty cannot by Treaty procure the Peace and Safety of his Children abroad, and of the true Professors

Adjournment.

The Commons Declaration touching the Palatinate,

(in

An. 1621.

(in foreign Parts) of the same Religion professed by the Church of England, they would to their utmost Power with their Lives and Fortunes assist him so, as that he may be able to do that with his Sword, which by a peaceable course shall not be effected.

The King by Proclamation reforms several Grievances.

A 2d against talking of State-Affairs.

Dr. Williams Lord-Keeper.

The King solicited to favour the Catholicks.

The Heads of Lord Digby's Embassy to the Emperor.

The Emperor's Reply.

After the Recess, the King by Proclamation declar'd an immediate Redress of the Grievances following: Those of Informers, Miscarriages of Ministers in Chancery, the Patents of Gold and Silver Thred, for licensing Pedlars, sole dressing of Arms, Exportation of Lifts and Threds, sole making Tobacco-pipes, Cords, and the like: And that his own and his Privy-Council's Ears shall be open to his Peoples modest and just Complaints.

A second Proclamation was issued against licentious Speeches touching State-Affairs, threatening the Concealers as well as the Utterers thereof.

On July 10. Dr. John Williams Dean of Westminster was sworn Lord-Keeper.

The King was importun'd from Spain and Rome to extend his Favours to Popish Recusants: For a Rumour was spread, that the King had declar'd to his Parliament they should not be a jot the better for the Match, whereas he only said, That if any of them grew insolent, he would punish them. Thus was the King entangled in the ways he had chosen.

The Lord Digby was sent Ambassador to the Emperor, to request, That the Elector Palatine, and the Children of his Master may be restor'd to his Favour, and to their Hereditary Goods, and the Palatine himself to his Title; that the Ban Imperial may be revers'd, and the Execution suspended; and the King would undertake the Palatine should yield all due Obedience and Submission.

The Emperor answer'd, he could not grant it, for that the Palatine still persists in opposition to him: And at the same time, when the Emperor at the King's desire had agreed to a Cessation of Arms in the lower Palatinate, the Palatine gave Commissions to Mansfield and Jagerndorf to raise Forces,

Forces, and do Acts of Hostility: That he will make known to the intended Diet at *Ratisbon* the Desires of his Master, who shall know what Resolution is there taken concerning the *Palatinate*.

Archduke *Albert*, and after his Death the Arch-Dutchess, interceded for the *Palsgrave*: And now the Lord *Digby* further propos'd, That *Mansfield* and *Jagerndorf* should observe the Agreement which should be made, or the *Palsgrave* should declare them Enemies. The Emperor answer'd the Arch-dutchess, that as to a Treaty and Cessation of Arms, he would consult with the Electors and Princes of the Empire.

The English Ambassador departed from *Vienna* to the Duke of *Bavaria*, who had invaded the Upper *Palatinate*, and committed great Spoils there, without whom the Emperor could make no Truce, he having agreed to make neither War nor Peace without the consent of the said Duke, who had a great part of *Austria* in Pledg. But the Duke upon receipt of the Emperor's Letter touching the Truce, sent the Lord *Digby* a deriding Letter, That there was no need of a Truce, for the War was at an end, he not doubting to keep both the *Palatinates* in Peace till the Emperor and *Palsgrave* were agreed: So slender a Return did the King receive of the Lord *Digby*'s Embassy for restoring the *Palatinate*. But the Emperor's meaning herein may be found in his Letter to *Don Balthazar de Zuniga*, a prime Counsellor of State in *Spain*, to this effect.

THAT he is bound to use his Victory to the Extirpation of Sedition and Faction, which are chiefly nourished by the Calvinists: That the *Palatinate* was in *Holland*, exil'd from the Kingdom he attempted, and despoil'd almost of all his own Territories, whom if by an impious Commiseration he should restore and nourish as a trodden half-living Snake, what can he expect but a deadly Sting from him? who can never be faithful, the Genius of his Sect

A further Proposal.

The English Ambassador goes to the Duke of Bavaria.

The Duke's deriding Answer.

The Emperor's Letter to Don Balthazar de Zuniga.

An. 1621. *Sect making him an Enemy or an unsound Friend to the House of Austria, and all other Catholick Princes: That being firmly resolv'd the Palatine cannot be restor'd, he hath freely offer'd the Electorate to the Duke of Bavaria, a most zealous Defender of the Catholick Cause: By this he shall take away all hopes from the Palatine, and the Lutheran Princes will hardly take up Arms for him, especially the Duke of Saxony, seeing Charles the Fifth upon a far lighter cause depriv'd John Frederick Duke of Saxony of the Electorate; besides, the Lutherans hate the Calvinists as much as they do the Catholics.*

The Parliament re-assembles.

The Parliament re-assembled the 20th of November, and the King being indisposed, sent them a Message by the Lord-Keeper, Lord Digby, and Lord Treasurer.

Lord Keeper's Speech.

“ The Lord-Keeper told them what the King had done for the Nation since the last Recess, in answering several Petitions concerning Trade, Importation of Bullion, Conservation of Coin in the Land, and prohibiting the Transportation of Iron Ordnance: That he had by his Proclamation reform'd thirty six or thirty seven other publick Grievances without the least trucking with his People: That he had call'd a Parliament principally upon the Declaration of the Representative Commonalty of the Kingdom, to assist his Majesty in the War for the recovery of the *Palatinate*: That he had sent the Lord Digby to treat of Peace, but without success: That he had advanced 40000*l.* to keep the Army together in the Lower *Palatinate*, which yet without a further Supply would be dissolved.

Lord Digby's Speech.

“ The Lord Digby acquainted them with his Negotiation with the Archduke about a Treaty of Peace, who writ to the Emperor and King of Spain, and also writ to Spinola for a Cessation of Arms; but the Duke of Bavaria would not consent, by whose Carriage he discover'd
“ that

“ that from the beginning he designed the Pala-
 “ tinate and Electorate for himself. That Count
 “ Mansfield must be speedily supply’d. That by
 “ the bravery of Sir Horatio Vere, and the o-
 “ ther English Commanders there, Heidelberg,
 “ Manheim, and Frankendal, were still pre-
 “ served : And concluded with the necessity of a
 “ Supply of Mony and Men.

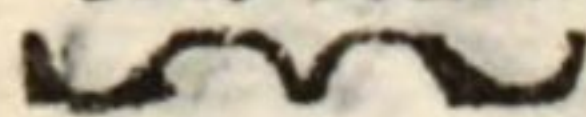
“ The Lord Treasurer told them, that the Lord Treasu-
 “ King’s Coffers were empty ; that he had as- rer’s Speech.
 “ fisted the Palatinate with great Sums, and was
 “ much in Debt.

The King nevertheless pursued Peace, hoping
 by the Spanish Alliance to heal the Breach : And
 the House of Commons, before they granted Sub-
 sidies, resolved to try the King’s Temper by this
 Petition and Remonstrance, viz.

THEY represented to him, 1. The Ambition of The Commons
 the Pope and his dearest Son, the one aiming at Petition and
 as large a Temporal Monarchy, as the other at a Remonstrance
 Spiritual Supremacy. 2. The devilish Doctrines
 whereon Popery is founded. 3. The distressed E-
 state of the Protestants abroad. 4. The disastrous
 Accidents to his Majesty’s Children abroad, expres-
 sed with rejoicing, and even contempt of their Per-
 sons. 5. The Confederacy of the Popish Princes
 to advance their, and subvert our Religion. 6. The
 many Armies raised by the King of Spain, the Chief
 of that League. 7. The Expectations of the Pa-
 pists upon the Spanish Match. 8. The Interposing
 of Foreign Princes on their behalf. 9. Their resort
 to the Houses and Chappels of Foreign Ambassadors.
 10. Their unusual concourse to the City. 11. The
 Education of their Children in Seminaries in Fo-
 reign Parts. 12. Their Forfeitures compounded
 for by the Grantees at mean Rates, amounting in
 effect to a Toleration. 13. The licentious printing
 of Popish Books. 14. The swarms of Priests and
 Jesuits in the Kingdom.

That

An. 1621.



That from these Causes would follow very dangerous Effects. For, 1. The Popish Religion is incompatible with ours. 2. It draweth a dependency on Foreign Princes. 3. It opens too wide a Gap for Popularity. 4. It hath a restless Spirit, and will press from Connivance to Toleration, then to an Equality, then to a Superiority and Subversion of the True Religion.

The Remedies offered were; 1. The King to take his Sword into his hand. 2. More publickly to avow the aiding of the Protestants in Foreign Parts. 3. To manage the War by way of diversion, and not in those Parts only. 4. The bent of the War to be against that Prince, whose Arms and Treasure have maintained the War in the Palatinate. 5. The Laws against Popish Recusants to be, by Commissioners especially appointed, put in execution. 6. The Prince to be marry'd to one of our own Religion. 7. The Children of the ill-affected Nobility and Gentry, then beyond the Seas, to be called home. 8. The Children of Popish Recusants to have Protestant Schoolmasters and Teachers. 9. Licences for such Children to travel to be revoked. 10. No Grants to be made of Recusants Lands; and if already made, to be avoided, if by Law they can. These things they submit to his consideration (not intending to press upon his Prerogative) the Glory of God, Zeal for Religion, the Safety of the King's Person, the Happiness of his Posterity, and the Good of Church and State being their Aims therein. And they intend, before Christmas next, to give one intire Subsidy for the Relief of the Palatinate only. They pray him then to assent to such Bills for his Peoples Good as shall be offer'd: With his Pardon, not only for Criminals, but whereby his good Subjects may receive some ease. And that it may extend to Debts due to the Crown before the first Year of his Reign; Alienations without Licence, and misusing of Liveries, and Ouster le Maine, before the first Summons of this Parliament; concealed Wardships, and no suing of Liveries and Ouster le Maine, before the twelfth Year of his Reign.

The

The House had sufficient cause to set forth the distressed Estate of the Protestants abroad, when at this time, besides the great Wound given them in *Germany*, and the Cruelties of the House of *Austria*, the Protestants in *France* were almost ruin'd by *Lewis* the 13th, being besieged at once in several places. And for their Relief the King sent *Sir Edward Herbert*, and after him the Viscount *Doncaster* thither, but they prevail'd not.

*The Protestants
ill treated in
France.*

The King hearing of this Remonstrance, writ from *New-market* to *Sir Thomas Richardson* their Speaker, to the effect following.

“ THAT he understood his Absence had imboldned some fiery Spirits in the House of Commons, to debate Matters far above their reach, in breach of his Prerogative Royal: That he will suffer none therein to presume to meddle with his Government, or deep Matters of State, or the *Spanish Match*, or the Honour of that King; nor with any Man's Particulars which have their due Motion in ordinary Courts of Justice. That *Sir Edwin Sandis* is not restrained for any Misdemeanour in Parliament: That if he were, he hath Power to punish any Misdemeanour there, as well during their sitting as after; which he shall do hereafter upon any Man's insolent Behaviour: And if in any Petition they have touched any of those Points, unless they reform it, he will not hear or answer it. Dated *Dec. 3. 1621.*

*The King's
Letter to the
Speaker.*

Hereupon the House drew up another Petition, which they sent with the Remonstrance, in substance as follows.

THEY pray his Majesty would understand from themselves, and not from others, what their humble Declaration and Petition was: Hope he will then free them from those heavy Charges wherewith some Members are burdened, but wherein all of them are involved: And pray he will not give credit

*The Commons
send the Remonstrance,
with another
Petition.*

An. 1621. dit to private Reports against the Members of that House.

That when they reassembled, his Majesty acquainted them by three Honourable Lords, That there was no hopes of Peace or Truce: That there was a necessity for him to ingage in a War, or he must abandon his Children. That the Lower Palatinate was seized by the King of Spain, as the Upper by the Duke of Bavaria. That the former had five Armies on foot; the Princes of the Union were disbanded, but the Catholick League remained firm, and the Condition of the Protestants there was miserable, and that the House should forthwith advise about a Supply. That they cannot conceive the Honour and Safety of his Majesty, and of his Posterity, the Patrimony of his Children invaded, Religion, and the State of the Kingdom, are Matters unfit for the Consideration of a Parliament. That they were now led thereunto by the dangerous increase and insolence of Popish Recusants, and thereby unavoidably fell upon some things which touched upon the King of Spain, without any Dishonour to that King. That they did not assume a Power of determining any thing, acknowledging that to his Majesty only it belongs to resolve of Peace and War, and of the Prince's Marriage, but only humbly laid down those things at his Majesty's Feet, without expecting any other Answer touching those higher Points, than what his Majesty should think fit.

They humbly pray him to receive their former Declaration and Petition, and vouchsafe them an Answer to so much thereof as concerns Jesuits, Priests, and Popish Recusants, the passing of Bills, and granting a Pardon.

That the Matters of Government, and Particulars which have their Motion in the Courts of Justice, with which they are by his Letter restrained from intermeddling, may involve those things which are the proper Subjects of Parliamentary Debates.

That their freedom of Speech, Jurisdiction, Censures, and other Proceedings seem to be abridged likewise, which being their antient and undoubted

doubted Right, and an Inheritance received from their Ancestors, they pray may be allowed them.

19 Jac.

To which the King gave the following Answer.

“ **T**HAT he must begin with Queen Elizabeth’s Answer to an insolent Proposal made by a Polonian Ambassador, *Legatum expectabamus, Heraldum accipimus*; that he expected their first Message should have been their Thanks for his Acts of Grace since their last Recess, by his Proclamation containing 37 Articles, for the pains he took in the three Articles recommended to him by both Houses, and his good Government of Ireland he was then in hand with. Instead whereof here are complaints of the Danger of Religion, tacitly implying his ill Government, to the distasting of his Subjects.

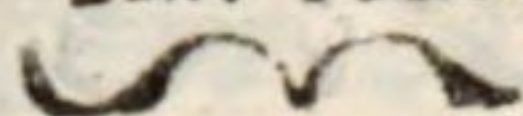
“ That whereas they tax him with trusting uncertain Reports: He is an old and experienced King, and needs no such Lessons.

“ That the Copy of their Petition, which was sent him before hand, is the same with that now brought to him by their own Messengers, only the Conclusion was added since he receiv’d the first Copy: Which Conclusion is *Protestatio contraria facto*; for in the Body of their Petition they usurp on his Prerogative Royal, and meddle with things far above their reach, giving their Advice for the matching his Son with some Protestant (he cannot say Princess, knowing none fit for him) dissuading him from a Match with Spain, and urging him to a War with that King; and yet in the Conclusion they protest not to press upon his Prerogative; as if a Thief should take a Man’s Purse, and then protest he meant not to rob him.

“ That they pretend to be invited to this course by the Speeches of three Honourable Lords; whereas by so much as they themselves repeat

The King’s Answer to the latter Petition.

An. 1621.



“ of their Speeches, nothing can be concluded,
 “ but that he resolved by War to regain the *Pa-*
 “ *latinate*, if otherwise it cannot be had: And
 “ they were invited to advise about a Supply for
 “ that Purpose. But what Inference can be made
 “ thence, that he must presently denounce War
 “ against *Spain*, break his Son's Match, and mar-
 “ ry him to a Protestant? That their Assertion,
 “ that the Honour and Safety of him and his
 “ Posterity, the Patrimony of his Children in-
 “ vaded and possessed by their Enemies, Religi-
 “ on, and the State of the Kingdom, are Mat-
 “ ters not unfit for the consideration of a
 “ Parliament, is so general, that it includes every
 “ thing, and gives them a plenitude of Power,
 “ like the Puritan Ministers in *Scotland*, who af-
 “ firm it's the Churches Office to judg of Slan-
 “ der; whereby they hook'd in the Cognisance
 “ of all Causes, there being no Crime or Fault
 “ but hath slander in it, against God, the King,
 “ or our Neighbour.

“ As for War, for which they are so earnest,
 “ he rather expected they would have thanked
 “ him for the Peace they enjoy. That he will
 “ endeavour either by Treaty, or by Force, to re-
 “ store his Children to their Inheritance; nor
 “ shall the Match of his Son be preferr'd before
 “ it. That by his Credit with the King of
 “ *Spain*, Arch-Duke and Arch-Dutchess, he had
 “ preserved the Lower *Palatinate* for one Year:
 “ And it hath been now lately again succor'd by
 “ the Lord *Digby's* Means. But as to a War for
 “ Religion; the beginning of this miserable War
 “ was not for Religion, but caused by his Son-in-
 “ law's rash Acceptance of the Crown of *Bohe-*
 “ *mia*. And his said Son hath acknowledged to
 “ the *French* King, and State of *Venice*, that it
 “ had no reference to the Cause of Religion.
 “ That he would be sorry we should, with the
 “ Jesuits, make Religion a Pretext for dethron-
 “ ing Kings, and usurping their Crowns:
 “ Nor had he, if his Son-in-law's Quarrel
 “ had

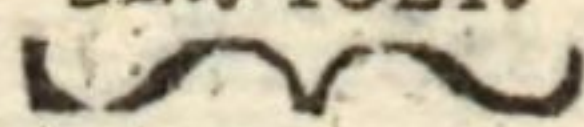
“ had been just, denied him the Title, and his
“ Assistance.

“ That he wonders they should affirm, that
“ what they say of the King of *Spain* is without
“ touching his Honour, when in their former
“ Petition they affirm he affects an Universal
“ Monarchy, than which nothing can be more
“ malicious.

“ As to their Excuse, that they determine no-
“ thing concerning his Son's Match: How could
“ they have determined in that Point, without
“ incurring the Guilt of High-Treason? But
“ their very talking of it after that manner is a
“ direct breach of his Command at their first
“ sitting. And he assures them now, as he did
“ then, that Religion should receive no Preju-
“ dice by that Match. As to their Request, That
“ he would receive their former Petition: He
“ wonders they could expect it, there being no-
“ thing left unattempted therein in the highest
“ Points of Sovereignty, except the striking of
“ Coin; and therefore he hath rejected it, they
“ being unfit things to be handled in Parliament
“ unless their King require it: And therefore
“ *ne sutor ultra crepidam*. That the intermed-
“ ling in Parliament with Matters of Peace or
“ War, and his Son's Marriage, would make
“ any Foreign Prince refuse to treat of either
“ Peace or Marriage without their Assent. As
“ it happened to a King of *France*, who broke
“ some Treaty he had made, on pretence his
“ his Estates would not assent to it; and was
“ afterwards refus'd treating with other Princes
“ without his Estates consent. And Queen *Eli-
“ zabeth*, when a Parliament petition'd her to
“ marry, told them, that if they had limited
“ her to Place or Person, she would have thought
“ it a high Presumption in them.

“ As to Religion, he will do all he can for the
“ promoting it, and depressing Popery: But the
“ manner must be left to him, not by under-
“ taking a publick War of Religion through the

An. 1621.



“ World at once, nor by a hot Persecution of
 “ our Recusants, which may irritate Foreign
 “ Princes to plague their Protestant Subjects;
 “ and yet he will spare no Papist that grows in-
 “ solent, and will take care for the Education of
 “ Youth at home, and the preserving those a-
 “ broad from being bred in Popish Seminaries;
 “ whereof (as to the Youth at home) he hath
 “ given some proof already here and in Ire-
 “ land.

“ That it shall be their Faults if he make not
 “ this a Session before *Christmas*. But for the
 “ Pardon they desire, he must be well advised,
 “ lest he give them double or treble of what he
 “ shall receive by their Subsidy without Fifteens.
 “ That he wonders they should make such a Con-
 “ struction of his Letter, as if he meant to re-
 “ strain them of their antient Privileges and
 “ Liberties in Parliament; he forbidding them
 “ only to meddle with Matters of Government,
 “ and Mysteries of State; namely, War or Peace,
 “ and the Match with *Spain*, or with such things
 “ as have their ordinary Course in Courts of Ju-
 “ stice, by which he meant Sir *Edward Cook*'s foo-
 “ lish business, whom it had well become as
 “ his Servant to have made his Complaint to
 “ him. That altho he cannot allow their Pri-
 “ vileges the stile of their antient and undoub-
 “ ted Right and Inheritance, they being de-
 “ rived from the Grace and Permission of him
 “ and his Ancestors, and most of them growing
 “ from Precedents, which shews rather a Tole-
 “ ration than Inheritance; yet he will be as care-
 “ ful to preserve their lawful Liberties and Pri-
 “ vileges, as any of his Predecessors were, nay
 “ as to preserve his own Royal Prerogative, they
 “ containing themselves within the Limits of their
 “ Duty, and not intrenching on his Preroga-
 “ tive. Dated *Decemb. 11. 1621.*

Lord Keeper's
 Judgment on it.

The Lord-Keeper *Williams* advis'd the King to
 qualify the harshness of this Answer with a Letter
 to

to the House: For 'tis true, that their Privileges which they claim as their Birthrights, were but the Favours of former Kings: But the King's Assertion and their Claim may be easily reconciled. He advis'd also there may be added in the Letter, That if they will not prepare Bills for a Session, the King would either break them up, and acquaint the Kingdom with their Undutifulness and Obstinacy, and supply his Wants by other means, or else adjourn them to the 8th of February, being the day first appointed for their sitting.

The Lord Digby acquainted the Peers he had received several Advertisements of the Palatinate's distress and danger, and that Mansfield's Army without speedy Supply would probably desert the Service: But the Parliament thought it their duty to advise as well as to supply the King.

The Parliament was adjourn'd by Commission to the 8th of February; but before the Adjournment the Commons enter'd this Protestation, viz.

That the Liberties, Franchises, Privileges and Jurisdictions of Parliament are the antient and undoubted Birthright and Inheritance of the Subject: That the arduous and urgent Affairs concerning the King, State, and Defence of the Realm and Church of England, the maintenance and making of Laws and redress of Grievances, are proper Subjects of Debate in Parliament: In the handling whereof every Member ought to have freedom of Speech, and the Commons may treat thereof in such order as they think fit: And that every Member hath freedom from all Impeachment, Imprisonment and Molestation (otherwise than by Censure of the House it self) for speaking of any Parliament business: And that if any Member be complain'd of for any thing done or said in Parliament, the same is to be shew'd to the King by the Advice and Consent of the Commons, before he give Credence to any private Information.

The King being offended with this Protestation, caus'd the Clerk of the Commons House to produce in full Council (where all the Judges then in

An. 1621.

London were present) his Journal-Book wherein the said Protestation was enter'd, and declar'd he never meant to deny the House of Commons any Privileges or Liberties they had by any Law, or Statute, or by Custom, or uncontroll'd and lawful Precedent; but that he thought fit that this Protestation should be razed out of all Memorials, and be annihilated, it being made on the very day that their Messengers were with the King, and he had graciously accepted of their Excuse for not making this Meeting a Session, and at six at night by Candlelight brought into the House, and not one third part of them then present, and some stood up to have spoken to it, but could not be heard in that darkness and confusion: That the said Protestation is penn'd in such ambiguous Terms, as may be a Precedent for future times to invade the Rights and Prerogatives of the Crown, cunningly mentioning some words in the Writ for assembling them, viz. *Arduis Regni*, but leaving out *quibusdam*, which restrains the other words: And the King declaring the said Protestation to be null and void, with his own hand took the same out of the said Journal-Book, and commanded an Act of Council to be made thereupon. Dec. 30. 1621.

The King takes the Protestation out of the Journal-Book with his own hand.

The Parliament dissolv'd, and the King's Reasons for it.

The King by Proclamation the 6th of January dissolv'd the Parliament, declaring that the assembling, continuing, and dissolving of Parliaments peculiarly belong'd to him, complain'd of the Liberty some of the Commons House took to treat of his High Prerogatives, and to speak disrespectfully of Foreign Princes, and spent their time in disputing Privileges, and descanting upon his Letters and Messages; that they have necessitated him to dissolve them, but that he will call another in convenient time.

Members of Parliament imprison'd.

Others for Punishment sent into Ireland.

Sir Edward Cook, Sir Robert Philips, Mr. Selden, Mr. Pynn, and Mr. Mattery were committed to several Prisons, and Sir Edward Cook's Papers seiz'd; Sir Dudley Diggs, Sir Tho. Crew, Sir Nath. Rich, and Sir James Perrot for Punishment were sent into Ireland upon a Commission directed to them and others

others for enquiry into several Matters concerning his Majesty's Service; and Letters were sent from the Council to the Judges of Assize to give in Charge the several Proclamations prohibiting licentious and undutiful Speeches touching the Government, and to punish the Offenders.

19 Jac.
Letters to the Judges against speaking of State-Affairs.

The King still walked in his beaten Path of Treaties (notwithstanding the constant bad success of his Mediations) while his Son-in-law was despoiled of his Patrimony by the Emperor, who after the suspension of the Proscription took up Arms again in the Lower *Palatinate*, the Upper being already subdu'd.

The Palatine despoil'd of his Dominions.

The King wrote to the Emperor, declaring his Zeal for Peace, and offering that his Son should renounce all Claim to the Crown of *Bohemia*, yield all due Obedience to his Imperial Majesty, and crave Pardon of him, and no way for the future misdeemean himself towards him, nor disturb his Kingdoms and Countries, and should reconcile himself to the other Princes and States, requesting him to accept of these Conditions, otherwise he is resolved to exert his utmost Power for his Childrens Relief. The Emperor reply'd, and acknowledged the King's Moderation and Justice in this matter: But the Person whom it most concern'd hath not shew'd the least sign of Repentance, he still combining with *Jagerndorf*, *Mansfield*, and others to disturb the publick Peace: Howbeit he would consent to a Treaty at *Bruxels*, and devolve his Power upon the *Infanta Elizabetha Clara Eugenia*. This was accepted by King *James*, and Sir *Richard Weston* sent Ambassador thither: But without regard thereunto the Enemy proceeded to subdue the *Palatinate*, which was the more easily effected by the Treaty of Peace between the Emperor and *Bethlem Gabor*; to accelerate which Treaty, the Emperor had made use of the *Palsgrave's* submission and resignation of the Crown of *Bohemia*.

Terms propos'd by K. James to the Emperor on his behalf.

The Emperor's Answer.

Philip the Third King of Spain departed this Life, *Philip III.* and the Lord *Digby* was sent Ambassador Extraordinary *King of Spain dies.*

An. 1621. ordinary to Spain, to condole his Death, and to advance the Match, with Letters from the King and Prince to the new King Philip the Fourth, and a private Letter to Don Balthazar de Zuniga, all dated March 14. 1621.

R. James his Letters to Philip IV.

Those from King James to the King of Spain were, the one of Condolance for the Death of his Father, with Wishes, that he may rule his Father's Kingdoms with the Prudence of his Ancestors; and that he may find that Love which passed between his Father and him might be propagated to his Successor. The other about the Treaty of the Match between the Prince and the Infanta Donna Maria, which was begun in the lifetime of his late Father, to which end he had sent the Lord Digby his Extraordinary Ambassador, whom, together with his Ordinary Ambassador, he had entrusted to conclude the same. He recommended likewise to him the business of the Palatinate.

Prince Charles his Letter to him.

That from the Prince, was to express his earnest desire to have the Match concluded, and that that King would give Credit to such further Proposals as the Lord Digby should make in his Name. And that from King James to Don Balthazar de Zuniga was to request him to promote by his Assistance his Concernments with his Brother of Spain, referring him for his Directions to his Ambassador the Baron Digby.

R. James his Letter to Don Balthazar de Zuniga.

Sir Walter Ashton had before Digby's arrival manag'd that Treaty: The Spaniards proceeded therein very formally; and when the Emperor's Ambassador in Spain discours'd of a Marriage between his Master's Son and the Infanta, he was answer'd, that the King's Hands were ty'd by a Treaty on foot with the King of Great Britain.

The Privy-Council issue out Orders for raising Mony.

The Privy-Council consulted about raising of Monies to defend the Palatinate, and order'd the Records in the Tower to be searched, what Levies of Men had been made at the publick Charge of the Country since Edward the Third. They likewise directed Letters to the Judges, purporting, That all fair ways to recover the Patrimony of his Majesty's Children proving ineffectual, his Majesty

Letters for that purpose.

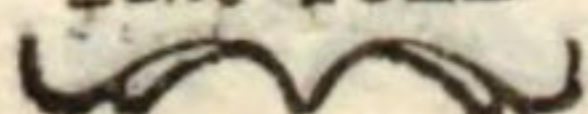
jesty had now resolv'd to recover the same by the Sword: That he expected the Parliament would have supply'd him, but that unfortunately failing, he is constrain'd to propound a voluntary Contribution, in which he requires their Assistance as well in their Circuits, as by presently calling before them all the Officers and Attornys belonging to the Courts of Justice, and such of their Societies, or which have dependance on the Law, as are fit to be treated with, and to move them to contribute according to their Abilities, and to certify the Names of the Refusers, and of the Contributors, and Sums offer'd by them. And Letters to the same effect were directed to the High Sheriffs, Justices of the Peace, Mayors, and Bayliffs throughout the Kingdoms, and for making choice of Collectors, &c.

The Enemies of George Abbot Archbishop of Canterbury took advantage of a sad misfortune which befel him; for shooting at a Deer with a Cross-bow in Bramzil Park, he casually kill'd the Keeper: This was aggravated to the King, who already disgusted him for opposing the Spanish Match. The Bishop of Lincoln then Lord-Keeper, inform'd the Marquess of Buckingham, that by the Common Law his whole Estate was forfeited, and by the Canon Law he was irregular *ipso facto*, and suspended from all Ecclesiastical Functions until restor'd by the King his Superior: That to leave a Man of Blood, Primate and Patriarch, sounds very harsh, and the Papists would not spare to censure it. The King appointed the Lord-Keeper, and several other Bishops, with others, to inform him of the nature of the Cause, and the Scandal that might arise thereupon: But however as it was manag'd, the Archbishop was not depriv'd.

Dr. Laud was first made Bishop of St. David's by the Mediation of the Lord-Keeper Williams: He was reputed an *Arminian*, and was a fierce Opposer of Puritans, and suspected to incline to some Popish Tenets: For when in Oxford, Robert Abbot Doctor of the Chair, having in his Sermon affirm'd, "That

Bp Laud suspected to incline to Popery.

An. 1622.



“ That Men under pretence of preaching against
 “ the Puritans, struck at the heart and root of
 “ Faith and Religion: That such preaching a-
 “ gainst the Puritans was but the effects of *Par-*
 “ *sons* and *Campion's* Counsels: That when several
 “ Persons popishly affected, were afraid to receive
 “ Prejudice thereby, they were advis'd to speak
 “ freely against the Puritans, and then they
 “ would not be accounted Papists: But because
 “ they indeed are Papists they speak nothing a-
 “ gainst them, or if they do, they beat very soft-
 “ ly upon the Bush for fear of disquieting the
 “ Birds that are in it. Mr. *Laud* in a Letter to
 his Patron Dr. *Neal*, then Bishop of *Lincoln*, tells
 him, *That he was fain to sit patiently at this Ser-*
mon, and hear himself abused almost an hour toge-
ther, being pointed at as he sat, for the whole Uni-
versity apply'd it to him.

1622.

The Arminians
 favour'd and
 countenanc'd by
 Bp *Laud*.

Favours shew'd
 to Recusants by
 the King's or-
 der.

The Lord-
 Keeper's Let-
 ter to that
 purpose.

And altho the *Arminian* Sect was oppos'd by
 King *James*, and by his Concurrence broken in
 the *Netherlands*, by the beheading of *Barneveldt*
 their Chief, yet in his latter days it began to spring
 up in *England*, and was countenanced by this
 Prelate, who had gain'd the Favour of the Mar-
 quess of *Buckingham*. The King releas'd multi-
 tudes of Priests and Popish Recusants then im-
 prisoned, and order'd the Lord-Keeper to issue
 out Writs to the Justices of Assize for the en-
 larging such Recusants as they should find in the
 several Goals, upon such Conditions and Securi-
 ties as were requir'd by the Judges of the King's-
 Bench, with which Writs the Lord-Keeper sent
 the Judges a Letter to this effect: *That the King*
upon deep Reasons of State, and in expectation of
the like from Foreign Princes to those of our Reli-
gion, had resolv'd to shew some Grace to the im-
prison'd Papists; and that they should make no diffi-
culty to extend the same to all such as they should find
Prisoners for Church-Recusancy, refusing the Oath
of Supremacy, dispersing of Popish Books, or any
other Point of Recusancy that should concern Religion
only, and not Matters of State.

A general Offence was taken hereat, and the Lord-Keeper endeavour'd in his Letter to a Person of Honour thus to excuse it, viz. That there is an unmeasurable distance between the deep Resolves of a Prince, and the shallow Apprehensions of the common People. The King was then a zealous Intercessor for all the Protestants in Europe, which were unreasonable should he execute his Laws against Roman Catholicks: That the English Jesuits had instigated the French King to execute the same Laws there against Protestants as are here enacted against Papists. Besides, the Papists releas'd here are out upon sufficient Sureties for their appearance at the next Assizes. That to conclude from the Favour done to the Papists, that the King (who hath demonstrated himself so resolved a Protestant) favours their Religion, is a Composition of Folly and Malice. As for his own Letter to the Judges, it excluded from the benefit of these Writs the Function of a Romish Priest, seducing the People from the established Religion, aspersing the King, Church, State, or present Government: All which Offences are no secret Motions of the Conscience, but are merely Civil and Political.

Another excuse
sing the King's
favour towards
the Papists.

The King sent his Letter to the Archbishop of Canterbury,

“ **T**AKING notice of the Abuses and Extravagancies of Preachers in the Pulpits, where divers unsound, seditious, and dangerous Doctrines were broached, and commanding him to be careful that the Limitations and Directions therewith sent him concerning Preachers be duly observ'd by the several Bishops, to whom he was to send Copies thereof to be by them communicated to the Inferior Clergy. The Directions were these.

The King's
Letter to the
Archbishop for
regulating the
Clergy.

1. That no Preacher under a Bishop or Dean (and they upon the King's-days and Festivals) do fall into any set Discourse or common Place not comprehended or warranted by, or within the
Directions concerning Preachers.

Article

An. 1622. Articles of Religion in 1562, or the Book of Homilies.

2. That none preach on Sundays or Holy-days in the Afternoon, but upon some part of the Catechism, or some Text out of the Creed, Ten Commandments, or Lord's Prayer (Funeral Sermons only excepted); and that those Preachers be most encouraged who spend the Afternoon in Catechising Children.

3. That none under a Bishop or Dean preach in any popular Auditory the deep Points of Predestination, Election, Reprobation, or of the Universality, Efficacy, Resistibility or Irresistibility of God's Grace.

4. That no Preacher whatsoever shall declare or limit the Power, Prerogative, Jurisdiction, Authority or Duty of Sovereign Princes, or meddle with Matters of State, or the Differences between Princes and People, otherwise than as they are instructed in the Homilies and Articles of Religion.

5. Nor shall causelessly, or without invitation from the Text, fall into bitter Invectives and undecent railing Speeches against the Persons of Papists or Puritans, but modestly and gravely (on occasion) vindicate the Doctrine and Discipline of the Church of *England* from the Aspersions of either Adversary.

6. That the Arch-bishops and Bishops be more wary in their licensing of Preachers, and revoke all Grants to any Chancellor, Official, or Commissary for passing Licences of that kind; and that all Lecturers (a new Body severed from the antient Clergy) be licensed in the Court of Faculties from the Bishop of the Diocese, with a *Fiat* from the Arch-bishop of *Canterbury*, and a Confirmation under the Great Seal, under Pain of Suspension *ab officio & beneficio* for a Year and a Day, for breach of any of these Directions.

But these Directions were warily communicated by the Arch-bishop.

The King of *Spain* having solicited the Pope for the Dispensation of the Match, the Pope assents to it; and the Court of *Spain* declaring it self now fully satisfy'd, King *James* expected no further Difficulty. But his Hopes quickly cooled, for Sir *Richard Weston*, tho a Person approved by *Gondomar* for managing the Treaty at *Bruxels*, wrote desperate Letters from thence of the *Infanta's* unworthy manner of treating about restoring the *Pallsgrave*, who was retired to his Uncle the Duke of *Bouillon* at *Sedan*; and Duke *Christian* of *Brumswick*, and Count *Mansfield*, the pretended Obstacles of the Treaty, had taken other Courses, for King *James* had offer'd, That if their Forces still disturb the Treaty, he would join with the Emperor to quiet them.

20 Jac.

The Pope assents to the Match.

The Infanta's unworthy Carriage.

The pretended Obstacles of the Treaty remov'd.

In the mean time the *Palatinate* was burnt and sacked, and *Heidelburgh* besieged; and when Sir *Richard Weston* complained, he received frivolous Answers, all he could get being only Letters of Intreaty to the Emperor's Generals to desist. All which (as the Ambassador observed) little agreed with the strong Assurances the Lord *Digby* gave from *Spain*; but they pretended they would restore all when all was taken.

Heidelburgh besieged.

The Emperor, contrary to his Promise, appointed a Diet at *Ratisbon*; and Mr. *Gage* returned from *Rome*, where the Dispensation could not pass without abundance of new Conditions which were never dream'd of. A piece of juggling being observ'd in this Negotiation, for the Ministers of *Spain* had concealed from the Pope some larger Points of Indulgence whereunto King *James* had yielded. And it being generally expected that *Gage* should have brought the Dispensation with him from *Rome*, the Court here put a good Face upon it, and gave out, that he had sent it from *Rome* to *Spain*.

A Diet appointed.

New Conditions before a Dispensation.

And to the Pope's Demands the King answered:
1. As to a Publick Church for the *Infanta* in *London*, besides a Domestick Chappel, that it was more than he or his Son had; and that the Chappel

The King's Answer to the Pope's Demands.

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An. 1622.

appointed was no private Oratory, but in effect a Church. 2. As to her Superior Priests being *in ordine Episcopali*, that he left that to the King of Spain. 3. As to the Ecclesiasticks being subject only to the Laws of their own Ecclesiastical Superiors; That this is not allowed in some Countries of the *Roman* Religion. 4. As to the Education of the Children under the Mother's Government, let the King of Spain judg whether it were fit for him (King James) to declare to the World, That his Grand-Children should be brought up until their Years of Marriage, in a Religion which he professed not, nor was publicly professed in his Kingdom: And that further than he had already assented, that they should be under the Mother's Tuition for a longer or a shorter time, according to their Constitution or Health, he could not condescend unless a time be limited in certainty. 5. As to the Pope's Expectation of larger Offers for the good of the *Roman* Church, that in the Judgment of the learnedst and greatest of the Clergy of Spain, the Articles of Religion already agreed upon were so satisfactory, that they declared the Pope ought not to withhold the Dispensation: And the Pope well knew, that the King could not of his own Authority grant a general Toleration. This Resolution the King sent into Spain to the Lord Digby, then made Earl of Bristol, with a Letter to this effect, viz.

The King's Letter to the Lord Digby, now made Earl of Bristol.

“ THAT he should represent his sincere Proceedings to the King of Spain; and that
 “ the Emperor amusing him with a Treaty of Cessation, is in the mean time seizing upon the
 “ whole *Palatinate*: That as he hath promised that if his Son-in-law would not be govern'd by
 “ him, he would forsake him and join his Forces with the Emperor's against him; so he expected the same measure from the King of
 “ Spain. That upon the Emperor's averseness to an Accommodation, he will actually assist the
 King

“ King for the Recovery of the *Palatinate*, and
 “ Electoral Dignity : That he cannot be well
 “ pleased, that after so long an expectance of
 “ the Dispensation, there is nothing yet returned
 “ but Queries and Objections. That he had
 “ sent him his Resolution concerning those Points
 “ demanded by the Pope, and expects the King
 “ of *Spain* would bring it instantly to an issue:
 “ But if time be demanded until an Answer come
 “ from *Rome*, that he give them two months after
 “ his Audience.

Another Letter was sent to *Gondomar* then in
Spain to this effect ;

“ That to the King, Prince, *Buckingham*, and A Letter to
 “ other Friends here, every Day seemed a Year *Gondomar*.
 “ till the Match was accomplished. That Priests
 “ and Recusants were at liberty, the Prisons fil-
 “ led with zealous Ministers, and the Universities
 “ and Pulpits forbid to be meddling. His Maje-
 “ sty regarded not his Son-in-law, but kept strict-
 “ ly to Honour and Justice. That *Gondomar*
 “ promised he should be prest to nothing but
 “ what might stand with Conscience, Honour,
 “ and his Peoples Love. And that if the Match
 “ break off, the King will be necessitated to
 “ execute the Laws against the Catholics.

To the Earl's Memorial the King of *Spain* an-
 swered to this purpose.

“ T H A T for the accomplishing the Match not The Answer to
 “ one day should be lost. That for the *Pa-* the Earl of
 “ *latinate*, he will seek the King's intire Satisfacti- Bristol's Me-
 “ on. That the besieging of *Heidelburgh* was morial.
 “ without their consent, and disapproved by them.
 “ That if *Heidelburgh* should be taken, and the
 “ Emperor refuse to restore it, or to condescend
 “ to an Accommodation, the King should be as-
 “ sisted with the Arms of *Spain* for restoring the
 “ *Palatinate*.

And for the Match *Bristol* was so confident,
 that he declared to the King, that if they intended

An. 1622.
Heidelburgh
taken.

A new Dispatch
to Spain.

Manheim
taken.

The Emperor's
ill-dealing.

it not, they were falser than all the Devils in Hell.

But in the mean time *Heidelburgh* was taken, the *English* put to the Sword, Sir *Edward Herbert* the Governor slain, *Manheim* besieged, and *Frankendal* block'd up.

King *James* provok'd by these Indignities, commanded *Bristol* to let that King know how sensible he was of it, and of the *Infanta's* delaying the Conclusion of the Treaty at *Bruxels*, and refusing to command the Emperor's Generals to forbear the attacking the Garisons in the *Palatinate*, upon a Pretence of want of Authority, altho she had an absolute Commission from the Emperor to conclude a Cessation of Arms. That therefore he had recalled his Ambassador from *Bruxels*, and also the Lord *Chichester* who was designed for *Ratisbon*. That he should demand of that King a Promise under his Hand and Seal, that within seventy Days *Heidelburgh* should be redelivered to the *Palatine*, with *Manheim* and *Frankendal*, if taken: A Suspension of Arms should be granted, and a general Treaty again set on foot, upon such Terms as had been already offer'd to the Emperor; or that in case of refusal he shall join with the *English*, or allow them passage through his Territories. That if he receiv'd not a direct assurance of these things, he should take his leave; but yet give him intelligence before he came away.

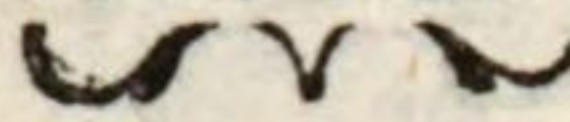
Upon these Demands an Order was sent from *Spain* to *Bruxels* for the Relief of *Manheim*, but too late, it being yielded to *Tilly*, who had before that time acquainted the Arch-Dutchess that he could not raise the Siege without the Emperor's exprefs Order; who seemed little to value the King's upright dealing, but was resolved to propound in the Diet at *Ratisbon* the translating the *Palatine* Electorate to the Duke of *Bavaria*. And the King of *Spain*, Novemb. 5. 1622. in the height of his Professions touching the Marriage, wrote to the *Conde Olivares*, That the King his Father declared at his death, That he never

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intended to marry the *Infanta Donna Maria* to the Prince of *Wales*; which *Don Balthazar* understood, and ever treated with intention to delay it; and that 'tis time to break off the Treaty by some means or other, which he must find out.

To which *Olivares*, Novemb. 8. 1622. returns in answer, That the Ministers who treated the Match in the time of *Philip* the 3^d, never meaning to have it take effect, but only to make use of the King of *Great Britain*'s Friendship in the Business of *Germany* and *Flanders*; and his Majesty being of the same Opinion, and the *Infanta* resolving to put herself into a Monastery, if she is pressed to this Marriage: He thinks fit to represent to his Majesty, That the King of *Great Britain* is equally engaged in two Designs; the one is the Marriage, whereby he would assure himself of his Majesty's Friendship, and of the Catholics in his own Kingdom, and marry his Son to the best born Lady in the World; and the other is the Restitution of the *Palatinate*: which two Engagements are inseparable; and yet if the Marriage be made, they must fail in the Restitution of the *Palatinate*, which would involve his Majesty, with the King of *Great Britain*, in a War against the Emperor, and the Catholick League; or his Majesty declaring for the Emperor, and the Catholick League (as he would certainly do) it would involve him in a War against the King of *England*, to whose Son his Sister is to be married: And if his Majesty shew himself Neutral, that first will cause very great scandal, since in less Differences than between Catholics and Hereticks, the Arms of this Crown have always taken the godly part, and it will occasion those of the League to make use of the King of *France*, and other Catholick Princes ill-affected to *Spain*. And it will enrage the King of *England*, when he sees no benefit by his Alliance with this Crown, and yet his Daughter and Grandchildren ruin'd for respect of that Alliance: Nor doth it lie in the power of the Emperor (if he would do any thing upon the account of this Marriage)

20 Jac:
King of Spain's
Letter to Olivares for
breaking the
Match.
Olivares's
Answer:

An. 1622.  riage) to dispose of the Dominions which are already in the possession of the Duke of *Bavaria*, to whom the *Electorate* is ready to be translated, and who hath no intention to accommodate Matters. That the Emperor hath expressed his desire to marry his Daughter to the King of *England's* Son, and he supposes would be likewise glad to marry his second Daughter to the *Palatine's* Son. He propounds that these two Marriages may be set on foot presently; this will accommodate the Matters of the *Palatinate*, and the Succession of the King of *England's* Grand-children; and yet the Emperor need not sever himself from the Engagements of *Bavaria*, and the *Palatine's* Sons may be bred in the Emperor's Court with Catholick Doctrine.

King James deluded,

And imposed upon.

Such Consultations had the Catholick King in his Cabinet Council, while he pretended so fair to *England*, and King *James* look'd on *Bristol's* Dispatches as full and satisfactory; and offer'd to stand privately obliged by a Letter, that the Children should be kept under the Mother's Wing till nine years Old; but desired for Honour's sake that no more than seven might be expressed in the publick Articles. But he was brought at length to wave his Honour, and come up to ten Years, and to insure it by a publick Ratification. And for the Exemption of Ecclesiasticks he yielded, That the Ecclesiastical Superior should either degrade the Offender, and deliver him up to the Secular Power, or banish him the Kingdom.

The King of Spain's Answer.

Bristol's Importunity had procured from the King of *Spain* this Answer, That he had sent a Dispatch to *Rome* for the Dispensation, and others into *Flanders* touching the *Palatinate*, and till it be known what Effect they have, no further Answer can be given to the Ambassador's Memorial. And the Pope's Demands, to which King *James* took Exception, being now accommodated, were signed by the King and Prince: And *Gage* being returned to *Rome*, was appointed to present Letters

The Pope's Demands signed by the King and Prince.

ters from the King to certain Cardinals, and to the Pope, stiling him *most Holy Father*.

20 Jac.

And in the mean time *Papenheim* had blocked up *Frankendal*; and the Imperialists laugh'd to think the *English* Garison should expect Relief by Orders sent from *Spain* to *Bruxels*. And when the King propos'd to have the Town sequestred into the hands of the Arch-Dutchess, to be restor'd whether a Peace or not, she refused to accept of the Sequestration.

Frankendal blocked up.

The King writ to his Ambassador in *Spain* to use all means for diverting the Translation of the *Electorate* in the present Diet, and to make that King an Offer of *Frankendal* by way of Sequestration, upon the same Conditions as it was offer'd the Arch-Dutchess.

The King writes to Bristol.

But in the Diet at *Ratisbon* the Emperor declared, That he had conferred the *Electorate* of the *Palatine*, his proscribed Enemy, upon the Duke of *Bavaria*, who had spent his Treasure, and hazarded his Blood against his own Nephew the *Palsgrave*.

The Electorate conferred on the Duke of Bavaria.

The Protestant Princes alledged, That the *Palatine* had been condemned, uncited, unheard, against the Laws of the Empire, because without the Advice and Consent of the other Electors. That it was necessary in the first place to put a stop to those extreme Executions in *Bohemia*, till which be done, the two Churches in *Prague* again opened, the free Exercise of Religion permitted, and the *Palatine* restored, they can see no hopes of Peace. That if the *Palsgrave* be excluded, it is to be considered whether his Children, Brother, and other Relations, are to be excluded also. That the *Palatine* was young, abused by evil Counsels, and no way Author of the Troubles in *Bohemia*.

The Protestant Princes plead for the Palatine's Restitution.

The Catholick Princes answer'd, That the *Palatinate* being devolved upon the Emperor, he may bestow it at his pleasure. That the Impunity of so great an Offender would encourage others; and that *Mansfield* his General still prosecutes

The Catholick Princes Answer.

An. 1622.

The Protestants
reply.

The Emperor's
Resolution.

Sir Dudley
Charlton's
Judgment of
the matter.

The Prince and
Marquess of
Buckingham
go to Spain.

Buckingham
conducted to the
King.

Orders for the
Prince's Enter-
tainment.

cutes his Cause by force of Arms. The other Party reply'd, That if his Imperial Majesty uses this Rigor, the Princes of the Lower Saxony are of Opinion there can be no Peace establish'd; and the King of *Great Britain* cannot but take it ill to see his only Daughter and her Children in Exile.

The Emperor told them, That he would have call'd a Diet before the Ban was publish'd, but was impeded by the War; that he will not restore his proscribed Enemy to the Electorate, nor will defer to compleat the number of Electors.

Thus had we good words from *Spain*, but miserable usage from the rest of the House of *Austria*: And Sir *Dudly Charlton* Ambassador at the *Hague* assured the Marquess of *Buckingham*, That altho *D'ognat* the *Spanish* Ambassador seem'd to oppose the transferring the Electorate, yet there was a secret understanding in that matter to abuse King *James*: And the Emperor declar'd he was for making War upon the *United Provinces*, because they gave Refuge to the *Palatine*.

The 17th of *February* the Prince and the Marquess of *Buckingham*, with *Cottington* and *Endimion Porter*, went privately from Court, imbarqu'd at *Dover*, landed at *Boloign*, and rode Post to *Paris*, (where the Prince under a disguise saw the Princess *Henrietta Maria*, afterwards his Consort) and from thence to *Spain*. The 7th of *March* they arriv'd at *Madrid*, and were secretly convey'd to the Earl of *Bristol's* House; next Morning the Earl acquainted *Gondomar* with the arrival of the Marquess of *Buckingham*: In the Evening the Marquess and the *Conde Olivares* met, and the Marquess was led by a back way into the Palace, and had Audience of the King, whose leave *Olivares* had to go and kiss the Prince's Hand.

The King decrees, That in all Meetings the Prince shall have the Precedence of him: That he shall make his Entry into the Palace Royal in that State which is used by the Kings of *Spain* on the day of their Coronation; and one of the chief Quarters there was assign'd for his Lodgings, 100 of

of the Guard to attend him, and the Council to obey him. The King takes the Queen, *Infanta*, and his Brothers abroad, to give the Prince a full view of his Mistress, and afterwards gave him several Visits. A general Pardon was publish'd, hundreds of Offenders set at liberty, and a late Proclamation against excess of Apparel revok'd.

20 Jac.
The Prince sees
the Infanta;
Is treated ho-
nourably by the
King.

The Prince the day of his publick Entrance was attended to St. *Ferom's* Monastery, from whence the Kings of *Spain* proceed to their Coronation: There the Prince was feasted, and after Dinner the King came thither to conduct his Highness through *Madrid* to the Royal Palace; and putting the Prince on his Right-hand, they rode in great Glory under a Canopy of State, being attended by *Buckingham*, *Olivares*, *Bristol*, *Aston*, with the Nobility, *Grandeas*, Counsellors of State, &c. Being alighted at the Palace Gate, the King carried the Prince to the Queen's Quarters: Three Seats were placed, the Queen sat in the middle, the Prince on her right, and the King on her left-hand: Being retir'd to his Lodgings, (whither the King conducted him) the Queen by her *Major-domo* presented him with Perfumes and costly wearing Linen: The King sent him two Golden Keys, which would open his privy Lodgings and Bed-Chamber. He was constantly attended by *Grandeas* and *Titulado's*, and entertain'd with Shows and Triumphs. And one day running at the Ring in the presence of the *Infanta* his Mistress, he was the only Person that bore the Ring away: Nor was any thing wanting to shew the Height of outward Glory. From the Court of *England* many Lords and Gentlemen follow'd the Prince; and the Marquess of *Buckingham* was made a Duke by a Patent from *England*.

Makes his
publick En-
trance into
Madrid.

The Marquess
of Bucking-
ham made a
Duke.

The common Voice there went, that the Prince was come to be a Christian: And *Olivares* at his first Visit told him, that the Match should be made presently, and that the Kings of *Spain* and *England* should divide the World between them;

A report that
the Prince
would change
his Religion.

An. 1623.
 Endeavours
 us'd to that
 end.

The Pope's
 Letter to the
 Prince of
 Wales.

for he question'd not but he came thither to be of their Religion: Whereunto the Prince answer'd, he came not thither for Religion, but for a Wife; nor were Endeavours wanting to reconcile the Prince. To which end *Gregory* the 15th, then Pope, wrote Letters both to the Prince and Duke of *Buckingham*.

In that to the Prince, dated *April* 20. 1623. the Pope sets forth the early Conversion of *Britain*, and the Piety of many of her Kings; that he desires the Gates of the Kingdom of Heaven may be opened to him and his Noble Father. And that as *Gregory* the Great taught the *English* Kings the Law of the Gospel, and the Respect of Apostolical Authority, so 'tis reasonable that he (the Pope) should tread in his blessed Footsteps, and endeavour the Salvation of those Provinces. That the Prince desiring to ally himself to the House of *Austria*, it's hoped that the antient Seeds of Piety may revive in his Soul: For 'tis not to be believ'd that he should love such an Alliance that hates the Catholick Religion, and should take delight to oppress the Holy Chair. He exhorts him to follow the Examples of the most Holy Kings of *England*, who came from thence to *Rome*, to do Honour and Homage to the Lord of Lords, and to the Prince of the Apostles. Nor can he bring a greater Comfort to the Christian World, than to put the Prince of the Apostles in possession of that most noble Island; and that the writing of these Letters will never grieve him, if they stir up but the least spark of the Catholick Faith in the Heart of so great a Prince.

The Pope's
 Letter to the
 Duke of
 Buckingham.

That to the Duke of *Buckingham*, dated the 19th of *May* 1623. takes notice of the Authority the Duke hath in the Court of *England*, and tells him what an access of Glory it would be to him, if he should become the Safeguard of the Catholick Religion, and if by his Persuasion the King of *England* should receive the Heavenly Inheritance, and propagate the Pope's Authority: And that his Mother who brought him forth, desires to bring him

him forth again to the Church of *Rome*, whom she acknowledges for her Mother.

21 Jac.

The Prince of *Wales* from *Madrid*, June 28. 1623. answer'd the Pope's Letter, stiling him, *Most Holy Father* ! and declaring how acceptable it was to him, that the renowned Examples of his Ancestors were proposed to him by his Holiness for his Imitation ; That he will endeavour to the utmost that Peace and Union may be again reduc'd into the Christian World, and his Lord and Father ardently desires to lend his helping hand to so pious a Work : That his Holiness his Conjecture of his desire to contract an Alliance with a Catholick Family and Princess, is agreeable to his (the Pope's) Wisdom and Charity ; for he would never so vehemently desire to be joined in a strict and indissoluble Bond with any Mortal whatsoever, whose Religion he hated ; and that he is and always will be of that Moderation, as to abstain from such Actions as may testify his hatred against the *Roman Catholick Religion* : That he esteems his Holiness's Letter as a singular Present, &c.

The Prince's Answer to the Pope.

In *Spain* all Endeavours were us'd to allure the Prince to Popery by Popish Books, Popish Pictures, and carrying him to Religious Houses, and to Persons famous for pretended Miracles : They tell him what a large entrance he would gain by his Conversion into the *Infanta's* Affections ; and if a Rebellion in *England* should follow, they offer an Army to subdue the Rebels. But the Prince remain'd stedfast, and express'd no shew of Change ; and notwithstanding his splendid Entertainment was but meanly dealt with, and in his Addresses to the *Infanta* unworthily restrained and undervalued.

The Prince stedfast in his Religion.

He is meanly dealt with.

Mr. *Gage* advertis'd the King from *Rome*, that Pope *Gregory* the 15th had granted the Dispensation, and what honourable mention the Cardinals made of his Majesty : But when it came to *Spain*, it came with a Clog in it, That the King of *England* should give Caution for the performance of

The Dispensation granted.

But comes clog'd.

An. 1623. of his Concessions in favour of the *Roman Catho-*
licks. The King answer'd, he could give no other
 than his own and the Prince's Oath exemplified
 under the Great Seal: But this would not satisfy,
 unless some Sovereign Catholick Prince would
 stand engag'd for them. And *Olivares* propos'd
 three ways for an Accommodation, either that,
 1. Prince *Charles* should become a Catholick: Or,
 2. That the Infanta should be deliver'd to him up-
 on the former Security: Or, 3. That they should
 bind him fast, and not trust him with any thing.

K. of Spain of-
fers to engage
himself on the
behalf of the
King and
Prince.

The Match
declar'd pub-
lickly.

The ABp's Let-
ter to K. James.

At length the King of *Spain* offer'd to bind him-
 self by Oath on the behalf of the King and Prince
 for performance of the Articles, but he would first
 consult with his Ghostly Fathers. This was a fair
 Contrivance for a pretence of War against *Eng-*
land, if the *Roman Catholicks* enjoy'd not the
 Freedom promis'd: The Divines went very grave-
 ly and tediously to work, but at last concluded
 affirmatively: And if the King of *England* failed
 of performance, the King of *Spain* was to vindi-
 cate his Oath, and right himself by the Sword.
 Then was the Match declar'd publicly, and the
 Prince had frequent access to the *Infanta*, but in
 a publick manner, and in the King's Presence.

The Archbishop of *Canterbury* wrote a Letter
 to the King, beseeching him to consider, that by
 a Toleration of Religion he endeavour'd to set up
 the most damnable and heretical Doctrine of the
 Church of *Rome*, the Whore of *Babylon*: And
 how hateful it would be to God, and grievous to
 his good Subjects, that he who had learnedly
 written against those Heresies, and declar'd to the
 World that they were superstitious, idolatrous and
 detestable, should now shew himself a Patron of
 them. He added, that he had sent the Prince into
Spain without consent of his Council, or approba-
 tion of his People: That this Toleration which he
 would set up by Proclamation, cannot be effected
 without an Act of Parliament, unless he will take
 upon him to overthrow the Laws at his pleasure;
 and pray'd him to beware lest by such a Tola-
 tion

tion he drew upon himself and the Kingdom God's heavy Wrath and Indignation.

But the King would not admit any motion of drawing back, and the Difficulties in *Rome* and *Spain* being surmounted, the following Articles (stil'd by the Cardinals, Propositions for the right Augmentation and Weal of the *Roman* Catholick Religion) were sworn unto by the King, Prince and Privy-Council. 1. The Marriage to be by Dispensation of the Pope, to be procur'd by the King of *Spain*. 2. To be once only celebrated in *Spain*, and thus ratified in *England*: The *Infanta* and Prince shall meet in the King's Chappel, or other place where the Procurations shall be read, and the Prince and *Infanta* shall ratify the said Marriage celebrated in *Spain* with all necessary Solemnity, so as no Ceremony intervene contrary to the *Roman* Religion. 3. The Catholick King shall name all her Servants and Family, but no Subjects of the King of *Great Britain* without his Consent. 4. She, her Servants and Family, to have the publick exercise of the *Roman* Religion. 5. She shall have an Oratory and Chappel in her Palace, where Masses may be celebrated, and a publick and capacious Church in *London*, or other place of her Abode, for Preaching, Sacraments, Burial, Baptism, and other Duties; to be adorn'd as pleaseth her. 6. That her Men-Servants, and Maid-Servants, and their Servants and Children, and all their Families may be publickly Catholicks. 7. Her Oratory and Chappel to be spacious enough for her Family, and to have a publick Door, and another inward Door for the *Infanta's* Passage into the Chappel. 8. The Chappel and Church to have Altars and other things necessary, according to the Rites of the *Roman* Church; and the said Servants and others to go thither at all hours. 9. The *Infanta* to appoint Keepers thereof. 10. To have 24 Priests and Assistants to be chosen by her and the Catholick King; but none of the King of *Great Britain's* Subjects, unless with his Consent. 11. To have one superior

Articles sworn
to by the King,
Prince and
Privy-Council.

An. 1623.

superior Minister or Bishop, or his Vicar.
 12. That he may correct all *Roman* Catholicks, and the *Infanta* may put them out of her Service.
 13. That she and her Servants may procure from *Rome* Dispensations, Indulgences, Jubilees, &c. and use Catholick Books. 14. Her Servants and Family to take the Oath of Allegiance, provided there be no Clause therein contrary to their Consciences, and the *Roman* Religion: And if any of them be Subjects of *Great Britain*, they to take the same Oath as the *Spaniards*. 15. The Laws in *England* against Religion not to extend to such Servants, and only the said Ecclesiastical Superior to proceed against Ecclesiasticks according to the Canon Law. 16. The Laws against Catholicks not to extend to the Children of this Marriage, nor shall they, tho Catholicks, lose their right of Succession to the Crown. 17. The Nurses who shall give the Children Suck, to be chosen by the *Infanta*, and to enjoy the Privileges of her Family. 18. The Ecclesiasticks to wear their Habits. 19. The King and Prince to promise to perform any fitting thing propounded by the Catholick King for Confirmation of the Marriage. 20. That the Children shall be educated by the *Infanta* until ten years of Age. 21. The Vacancies of her Servants to be supplied from time to time by the Catholick King. 22. The King and Prince by Oath, and the Privy-Council under their hands, shall confirm this Treaty; and the King and Prince shall promise to endeavour to have it confirm'd by Parliament. 23. All these things to be approv'd by the Pope.

Private Articles sworn to by the King.

The King and Prince in the presence of *Mendoza* and *Colonna* the *Spanish* Ambassadors, and of several Privy-Counsellors, took an Oath for the performance of these Articles: Besides which the King did swear to certain private Articles here following. 1. That none of the Laws against Papists shall at any time hereafter be commanded to be put in Execution: And that his Council shall take the same Oath as far as it concerns them.

2. That

2. That no new Law shall be made against *Roman* Catholicks, but that there should be a perpetual Toleration of that Religion within private Houses, and that as well in *Scotland* and *Ireland* as in *England*. 3. That he would neither by himself or any other, directly or indirectly, treat or attempt any thing with the *Infanta*, which should be repugnant to the *Roman* Religion; nor would persuade her to renounce or relinquish the same, or to do any thing contrary to the Treaty of Marriage. 4. That he and the Prince would interpose their Authority, and would endeavour that the Parliament should confirm and ratify the Articles between the two Kings in favour of the *Roman* Catholicks, and should revoke and abrogate the Laws against them, and that he will not consent to any new Laws to be made against them for the future.

21 Jac.

And the Prince engag'd himself (and undertook likewise for the King his Father) that all in the foregoing Articles which concern'd the Suspension or Abrogation of the Laws against *Roman* Catholicks, should infallibly take effect within three years, and sooner if possible: And that he would intercede with his Father, that the ten years of the Education of the Children with the *Infanta* their Mother, may (according to the Pope's desire) be lengthen'd to the term of twelve years. And he promised and swore, That if the intire disposing thereof devolve to him, he would grant the said term: And did oblige himself, that he would willingly, and laying aside all excuse, hearken to Divines, or others whom the *Infanta* should imploy in the matter of the *Roman* Catholick Religion, as often as she requir'd it: And that the things above promised and treated should take effect in *Scotland* and *Ireland* as well as in *England*.

The Prince's Engagement.

The Privy-Counsellors Oath was, That they would observe as much as belonged to them, all the Articles in the Treaty of Marriage, and would neither execute, nor cause to be executed, any Laws against *Roman* Catholicks, nor any Punishment

The Privy-Counsellors Oath.

An. 1623.



*The King's and
Ambassadors
scruple.*

nishment thereby inflicted, but would faithfully observe his Majesty's Word given in that behalf.

In the taking the solemn publick Oath in *White-hal Chappel*, it's said, the King scrupled to give the Pope the Title of *Most Holy*; but the *Spanish Ambassadors* (who came to see him swear) would proceed no further till he had yielded to it. Another Rub was, the Ambassadors declar'd they would not be present at the Protestant Prayers, the end of their coming thither being to maintain and warrant the Catholick, Apostolical and *Roman Church*. So the King commanded nothing should be then sung but a Hymn of Joy in praise of Peace.

*A Titular Bi-
shop of Calce-
don.*

England had then Swarms of Priests and Jesuits, who were busy in drawing the People from the Protestant Religion: And a Titular Bishop of *Calcedon* came over to exercise Episcopal Jurisdiction.

*K. James his
Confidence of
the Match.*

'Tis said, King *James* was now so confident of the Match, that he openly said, that now all the Devils in Hell could not break it. The *Infanta* was stiled *Princess of England*. A Chappel was building for her at *St. James's*. A Fleet was prepared for her Passage. And the greatest Enemies to this Alliance submitted to the King's Will; but in all these Capitulations not a word of the Restitution of the *Palatinate*.

*No mention of
the Palatinate.*

In the height of the *Spanish Treaty*, Mr. *Alured* wrote a Letter to the Duke of *Buckingham* to this effect, viz.

*Mr. Alured's
Letter to the
Duke.*

That the Match with *Spain* caused a general fear lest thereby there might be an Inlet to the *Romish Locusts*. That Kings have usually had their Favorites; *Alexander* had long since his *Ephestion*, and of late *Henry the Third of France* had his *Espernon*, and *Philip of Spain* his *Lerma*. That the best Princes have not wanted them; *Hushai the Archyte* is call'd *David's Friend*, and *Ira the Jarite* was chief about *David*. Every private Man is left to affect as he likes, much more may

may a King. And *St. John* was, if not *Christ's* Favorite, yet the Disciple whom he best loved. That it was God's Blessing, and the Duke's Happiness, to be the King's Favorite. And it was expected he would not be wanting in the Duty of a Subject, a Counsellor, and a Favorite, but that he would act *Eliezar's* Part, and help to chuse a *Rebecca* for our hopeful Prince. That no Protestant Prince had married with a Papist, save *Henry of Navarr* with *Margaret of France*, a Marriage unfortunate to the Parties, and fatal to our Religion: For while the Protestants dreamt of the Security they should have by the Match, they were miserably massacred. That the *Jews* were forbidden to marry with a different Religion. That God had crossed (if not cursed) our Alliance and Association with the *Spanish* Nation. The Black Prince was poisoned there, and never had his Health after. Prince *Arthur* married into *Spain*, and died soon after without Issue. His Brother (*Hen. VIII.*) married the same Woman: The Male Children of which Marriage died, and only one Daughter was left, in whose short Reign was shed more Blood for the True Religion in six Years, than for the False in the succeeding sixty Years.

The next Match with *Spain* was *Q. Mary* with *K. Philip*, so much displeasing to the People that it caused *Wyat's* Rebellion; so discomfortable to the Queen, that it broke her heart; so prejudicial to the Kingdom, that merely upon the *Spaniards* account we lost *Calais* in six days, which had been above two hundred Years in our Possession. That a Match at home can be no way inconvenient. And from the two Matches of *Edw. IV.* and *Hen. VIII.* (which were the only two of our Kings that match'd with their Subjects) came two Queen *Elizabeths*, who were the blessed Instruments of establishing Peace in the State, and Religion in the Church.

The *French* grew jealous of this Conjunction of *The French* *England* and *Spain*, and made Peace at home; jealous of the
by Match.

An. 1623.

The Spaniards
protract the
Marriage.

Barberini cho-
sen Pope, and
named Urban
VIII.

His Letter to
K. James.

by which means a bitter Persecution ceased there, and the Protestants were permitted to enjoy their Religion.

But after all, the *Spaniards* contrived new Delays, and the Pope would have the Marriage protracted till the Conditions were performed in *England*. And the Divines advise the Catholick King, That the Promises of Marriage be made presently, but the Consummation thereof, and the Delivery of the *Infanta* be deferred till May the Year following. And Pope *Gregory* dying, it was pretended that there being no Contract, the Dispensation was suspended till ratified by the new Pope.

Cardinal *Baxberini* being chosen Pope, took the Name of *Urban* the VIII. and wrote Letters to King *James* and Prince *Charles*, both dated 15 Octob. 1623.

That to the King imported, That there was never yet a King of *Scotland* who died an Enemy to the Pope's Authority. But it was to be lamented that *K. James*, the Off-spring of Catholic Kings, and the Son of a most Holy Mother, should dissent from the Pope, and from his own Ancestors. That a blessed Hope from above not long since shined upon the Pope, when he understood the King was desirous of a Catholick Alliance, and that the Issue which should succeed him might be begotten of a Catholick Mother. That the first Letters he received, reigning in the Seat of *St. Peter*, were those which the Prince of *Wales* wrote to his Predecessor, as a Testimony of his Affection to the Popes of *Rome*; and he hopes he shall shortly have news out of *England*, that his Majesty is favourable to the Catholick Interest; and *Europe* hopes she shall see King *James* triumphing in the *Roman* Church. That his Ancestors called upon him, who believed that the Gates of the Kingdom of Heaven were opened to Mankind with the Pope's Keys. That it cannot be that his Majesty should dare to condemn the Belief of so many Ages, and the Judgment of so many Kings, whereby he would

21 Jac.

would snatch those from whom he is descended out of Heaven, and thrust them into Hell. He exhorts the King to imitate *Constantine the Great*, the Defender of the Popes Authority, and the Assertor of the *Roman Faith*, that so there may be seen a new Heaven in *Britain*, and a new City descending from Heaven, and a Guard of Angels upon her Walls. And concludes with hopes, that upon the receipt of his Letters, some Advantage shall accrue to the Catholics there.

That to the Prince imported, That the first Letters he received after he was preferred to the Throne of the Apostleship, were those of the Prince to his Predecessor *Gregory the Fifteenth*; and was thankful to God that a *British Prince* began to perform Obeisance to the Pope of *Rome*. That he hath often wished God would put into the Hand of the King his Father some eminent Occasion, whereby to oblige Mankind, and obtain an Eternal Inheritance. That he believes the time is now come, since he (the Prince) had opened the way thereunto; for his so vehement desire of a Catholick Marriage, is a certain Voice of God calling him. That the *Roman Church*, whose Belief he confesses he hates not, desires forthwith to open unto him the Gates of the Heavenly Kingdom. He exhorts him to return into the Imbraces of that Church; for he who desires the Marriage of a Catholick Virgin, ought to espouse the Heavenly Bride: And beseeches the Father of Lights, that this blessed Hope of the Return of so Great a Prince, might fructify and bring Salvation to *Great Britain*, and Joy to the Christian World.

The Pope's Letter to Prince Charles.

Notwithstanding this great Treaty, Affairs began to tend towards a Rupture. In the *Spanish Ambassadors Demands* grew high: And yet the King to content them, directed a Pardon to be drawn up to all *Roman Catholics* for all Offences of Recusancy, and a Dispensation for the time to come: And likewise two general Commands under the Great Seal, the one to the

The Treaty tends to a Rupture.

An. 1623.

The Prohibition to the Judges and Bishops suspended.

Judges and Justices of Peace, the other to Bishops, Chancellors and Commissaries, not to execute any Law against them. Which Pardon passed as full as the Papists could desire: But to that vast Prohibition some stop was made by the Lord Keeper's Advice, for that the publishing such a general Indulgence at one push, might beget a general Discontent, if not a Mutiny; whereas his Majesty might instil the same into the Peoples Minds by little and little, by the Favours done to some particular Catholics, and by degrees enlarge his Kindness. Besides, to forbid the Judges and Justices of Peace against their Oaths, whereby they are bound to execute the Laws, would be without Precedent, and of hard digestion without some Preparative.

The English in Spain averse to the Match.

To this the two *Spanish* Ambassadors consented, and that the Matter should rest till the end of six Months, or the *Infanta's* arrival, but did it with a shew of Discontent. And in *Spain* some of Prince's Followers, zealous Protestants, shewed their averfeness to the Match: Sir *Edmund Verney* struck an *Englishman*, a *Sorbon* Doctor, for endeavouring to pervert one of the Prince's Pages.

The Duke disgusted in Spain.

Divers derided the Popish Ceremonies, and *Spanish* Garb: The *Spaniards* too began to disgust the *English*, and railed at *Gondomar* for informing the King that the Prince might be made a Catholic.

The Duke of *Buckingham* was much disrelished likewise for his Garb and Behaviour: And his Powers to treat being questioned, were found defective, being not confirmed by the Privy Council in *England*. Some Affront likewise he lay open to, which intraged him against *Olivares*; but in the Prince they observed an extraordinary well-stay'd Temper, and grave Deportment.

Buckingham and Bristol run different ways.

As for *Buckingham* and *Bristol*, they ran different ways with great Animosity. *Bristol* had the Advantage in *Spain*, and a powerful Party in *England*. *Buckingham* was favour'd by those that loathed the

the Match, but at Court maligned for delaying it. The King himself was very reserved, but in all Occurrences the Prince closed with *Buckingham*. And the *Palatine's* Secretary coming to *Madrid*, endeavour'd to ingage the Duke against the Marriage; for the *Palatine* relied not on the Over-
ture of Marriage betwen his eldest Son and the Emperor's Daughter: For what could satisfy the Honour, Humour, and large Expence of the *Bavarians*? What Alliance could induce the Emperor to revive the dead Forces and Strength of his Enemy? Nor would the Pope suffer *Heidelberg*, which he accounted a Nest of Hereticks, to return to its former State; and the breeding of the *Palsgrave's* Son in the Emperor's Court, and the Sequestration of his Country, would be certainly made Conditions of that Marriage.

21 Jac.
The *Palatine*
against the
Match.

The Prince's Patience is put to a new Trial, for the Divines in *Spain* insist stiffly, That the Marriage, and the Delivery of the *Infanta*, should be deferred until the next Year. The King of *Spain* moderated it, and promis'd the Marriage should be consummated at *Christmas*; but the Resolution touching the Delivery of the *Infanta* was unalterable.

The Spaniards
Delays.

The *English* Papists apprehending a Rupture would follow, were much perplexed. Sir *Toby Matthews*, a great Stickler, pressed his Catholick Majesty to give the Prince some foot of Ground upon which he might stand with Honour, protesting that the Persecution of the Catholicks in *England*, which would follow a Rupture, was to be charged upon those who advised him not to accept those large Conditions offer'd him.

The English
Papists per-
plexed.

The Prince now thinks of leaving *Spain*, and they say, wrote to his Father to look upon his Sister and her Children, forgetting he ever had such a Son. Whereupon the King sent to hasten his Return. At which the King and Council of *Spain* were startled; but at length consented to it, upon Oath given by his Catholick Majesty, and the Prince, to make the Marriage within ten days af-

An. 1623.

The Prince
leaves a Proxy
with Bristol.

The Duke's and
Olivares's harsh
parting.

The Prince
universally
esteemed.

His departure.

He feasts the
Dons aboard
his Ship.

ter the Ratification came from *Rome*.

The Prince made a Procuration to the K. of *Spain*, and *Don Carlos* his Brother, to make the *Espousals* in his Name, and left it with the Earl of *Bristol*: But withal left private Instructions in another Hand for *Bristol* to stay the delivery of the Proxies till further Order, on pretence the *Infanta* might retire to a Cloister and defraud him of a Wife.

Olivares and the Duke had a harsh parting; the Duke telling the other he had disoblighd him, and that he could not make the least profession of Friendship to him. The *Conde* reply'd short, That he accepted of what he had spoken.

The Prince had gained an Universal Love, his grave Deportment suting with the very Genius of that Nation. At his Farewel he shewed unparallel'd Bounty, and left Gems of inestimable Value for the *Infanta* and *Grandeess*.

At his departure from *Madrid*, *Septemb. 12.* the Queen and *Infanta*, in great Magnificence, received his Farewel. The King brought him on his way to the *Escorial*, and there feasted him; and declared the Obligation the Prince had put upon him, by putting himself into his hands. The Prince magnified the high Favours he had receiv'd, and requested the King to continue him in the good Opinion of his most fair and most dear Mistriss.

A Train of *Spanish* Courtiers attended him to the *English* Navy, where he feasted them aboard his own Ship; and in bringing them back to shore, met with a furious Tempest, from which he escaped with much difficulty: and the first words he spoke when reimbarcked were, That it was a great weakness in the *Spaniards* to let him go after they had used him so ill. He arrived at *Portsmouth* *Octob. 5.* for which there was expressed an universal Joy.

Immediately after the Prince's departure from the Court of *Spain*, a Rumor was spread that the Ratification was come from *Rome*; by which means the Person in whose hands the Prince left his

his private Instructions, delivered them to the Earl of *Bristol* the very day the Prince arrived at the Port of *St. Andero*. In reading them, *Bristol* was exceedingly troubled, and resolved notwithstanding, had the Ratification come, to have delivered the Proxies, and support himself by his Warrant under the Great Seal, altho Sir *Walter Aston* was joined in Commission with him, and the Prince before his departure had told *Aston*, he would never match in *Spain* without Restitution of the *Palatinate*.

Bristol in his Dispatches to *England* laboured to satisfy the King and Prince, told them, all fitting Security was offer'd by the Court of *Spain*, that the *Infanta* should not enter into a Religious Life; and for performance of the whole Agreement, that they would make good the Portion of Two Millions, notwithstanding they alledged it was four times as much as ever was given in Money with a Daughter of *Spain*. That the main Difficulties were now overcome, and the Prince had satisfied himself of the *Infanta's* Person, and the stay of the *Desponsorios* would grieve her. That the Distastes between publick Ministers ought not to hazard a Matter of such Consequence, which had been brought to the present State with so much Cost, Pains, and Patience; and prayed he might have an Authority sent him, to deliver the Powers upon the arrival of the Dispensation. But the Prince and *Buckingham* had prepossessed the King with the *Spaniard's* Delays, and *Bristol's* Miscarriages: Whereupon the King sends an express Command to *Bristol* to signify to the King of *Spain*, That he would not abandon his own Honour, nor at the same time give Joy to his Son, and to his Daughter her Portion in Tears; but always understood and expected, that upon effecting this Marriage his Son-in-law should be restored to his Country and Dignity, and the Emperor satisfy the Duke of *Bavaria* some other way. That *Bristol* should procure the King of *Spain's* Answer, what Course he resolv'd to take for the

21 Jac.

Private Instructions delivered to *Bristol*, contrary to the Proxy.

He labours to satisfy the King and Prince.

K. James makes the Restitution of the *Palatinate* a Condition of the Marriage.

An. 1623.

Bristol and
Aston demur
upon the new
Instructions.

Sir Walter Af-
ton endeavours
to reconcile the
Duke to Spain.

The Prince and
Duke take a
popular way.

Restitution of both, and what Assurance he shall have if the Emperor or *Bavaria* oppose it; And expressed his desire, that the Espousals should be made in one of the *Christmas* Holy-days.

The Earl and Sir *Walter Aston* demur upon these new Instructions, and represent to the King, That the Powers expired at *Christmas*, and to suspend the execution of them till then was to revoke them. That the Pretexes of this Delay are old Matters often debated, but never insisted on so as to retard the main Business, or to hazard the Match, for so were his Majesty's Instructions. That it was the Care of the *Spanish* Ministers to accommodate the *Palatine's* Affairs before the *Infanta* went for *England*, lest a War should follow: Besides, it must be done by Treaty with several Princes, which will take up time, and so the Prince may be long enough unmarried. That the Dispensation is hourly expected, and upon what pretence can the Powers be then detained? This were to put a Scorn upon the *Infanta*, and the King of *Spain*, and doth not stand with that exact and honourable Dealing his Majesty hath hitherto used. They prayed therefore that a Day may be set for the delivery of the Proxies.

To facilitate the Matter, Sir *Walter Aston* endeavoured to reconcile the Duke to *Spain*. He acknowledged his Grace was infinitely provoked to be an Enemy to the Match, but could not believe the Error of one Man could really make him an Enemy to that which carried with it so much Contentment to the King and Prince; that he might bring himself thereby into a dangerous Labyrinth, if a War should ensue; whereas if the Match take effect, he will have the Honour thereof, and will be the Person to whom the *Infanta* will be most obliged.

But this Motion incensed *Buckingham*; the Prince and he began to take a popular Way, and to close with those that were opposite to *Spain*, and best liked of by the Paritan Party; they projected also the calling of a Parliament.

But

But some there were that suggested to the King that the Duke's Design was to prevent the Prince's Marriage any where, that his own Greatness might be absolute: That of late he hath taken up a popular Humour, and they warned the King to have a care of his own Preservation.

21 Jac.
Advice to the
King touching
the Duke.

But the Earl of *Bristol* was commanded to follow the new Instructions, viz. Before he delivered the Powers, to procure from the King of *Spain* a direct Engagement for the Restitution of the *Palatinate*, and Electoral Dignity, either by Mediation or by Assistance of Arms, and the rather for that the *Berkstrot* in the *Palatinate* was taken by the Arms of *Spain*, and a *Spanish* Garrison put into it; and the Country upon an old Pretence delivered up to the Bishop of *Mentz*. And as to the Marriage Portion, the King rejected both Jewels and yearly Revenue, as contrary to the first Agreement, and would have all in *specie*, at reasonable times of payment. He likewise commanded the Suspension of the Powers left, and sent new ones from the Prince for a larger time. Here *Bristol* had a difficult part to act, the Duke setting all his Strength to crush him; and the surrender of the *Palatinate* was not probable, it being alienated and shared out as a common Booty.

Bristol commanded to follow the new Instructions.

But the King still hoped to compose all by a Treaty, and proposes to the *Palatine* these Terms, viz. That he make a due Submission to the Emperor, with assurance of his safe going and return. This done, all the *Palatinate* shall presently be restored to the *Palatine's* Son (whose Administrator he shall be during Life) and after *Bavaria's* Death the Electoral Dignity likewise. But if a Marriage between his Son and the Emperor's Daughter take effect, the Electoral Dignity after *Bavaria's* Death shall return to himself. And to obviate the great Difficulty in case of such Marriage, his Son should be bred neither at the *Hague*, nor the Emperor's Court, but with the Prince of *Wales*, in the presence of the *Infanta*.

K. James proposes Terms to the *Palatine*.

An. 1623.

The Palatine's
Answer.

To which it was answered by the *Palatine*, That it was most natural for the Restitution, that the material Part precede the Submission; which was but a Ceremony, otherwise a Submission might be yielded, and the Restitution never follow. That such Submission may be made by a Deputy, lest some such Advantage should be taken as was of the Landgrave of *Hesse* by *Charles* the Fifth, under the subtile distinction of a Syllable in the safe Conduct. That the yielding of the *Electorate* to the Duke of *Bavaria*, will prejudice his Cause for ever with the Electors of *Saxony* and *Brandenburgh*, who have always protested against the Translation, and with other Princes. That the Emperor would serve himself of his Consent to these Conditions, as he did of his conditional Resignation of the Crown of *Bohemia* in 1621. whereby he accelerated the Treaty with *Bethlem Gabor*, and of his Ratification of the Suspension of Arms the last Summer, which served to intimidate those two Electors. That care ought to be taken that his undue Proscription be not approved, and thereby a Mark of Infamy set upon him and his Posterity. That Shame and Disgrace will be the end of this Submission, no better usage being to be expected, than the deposed House of *Saxony* had from *Charles* the Fifth. That *Spain* had always given Hopes, and the Earl of *Bristol* great Assurance that they would assist his Majesty, and compel the Emperor to an intire Restitution. But now there were no hopes of Restitution from the Match with *Spain*, the *Spaniards* and *Imperialists* having both conspired the Ruin of the *Palatinate*, the *Electorate* being given to the Duke of *Bavaria*, the Upper *Palatinate* in his possession, a Portion allowed the Duke of *Newburgh*; a principal part of the Lower *Palatinate* given to the Elector of *Mentz*, and the rest promised to others. That for a surer way to regain a happy Settlement, the Electors of *Saxony* and *Brandenburgh*, and all the Princes save those of the Catholick League, have declared,
That

That the Peace of *Germany* depends upon the Restitution of the *Palatinate*. They that have united their Interest for the recovery of the Liberty of *Germany*, are numerous and powerful ; all that is wanting, is some great Prince to support them against the House of *Austria*. That the King of *Denmark* hath declared, That as others have their Eyes on him, so he hath his on the King of *Great Britain*. That what hath been done formerly by one of his Majesty's Kingdoms, when counterballanced by the other two, demonstrates what may be done by the joint Forces of all three together.

The King had frequent warning what Disappointment and Dishonour would follow those ways of Treating, when he might have had the united Strength of all the Protestants in Christendom to reestablish his Children.

The *United Provinces* appeared willing to renew their antient Union with *England*, which had been somewhat interrupted by *Barneveldt* and the *Arminian* Faction. And the Prince of *Orange* expressed an intire Friendship to us ; and they concluded that *Spain* would never match with *England*, but out of hopes of reducing those Provinces by the Match ; or for fear that if the Match proceeded not, the King would join with those Provinces in opposition to *Spain*. They being so far from hearkning to any Overtures or Concessions, that they had prepared a strong Fleet ready to set sail for the *West-Indies*, at least to interrupt the peaceable Annual Return of the Gold and Silver from thence. And it was represented to the King, that he might absolutely dispose of them, and that by a conjunction of his Forces with theirs, he might be able to give Law to *Europe* ; but if the *Spaniards* should break in upon them the next Year, as they were like to do the last, the Opportunity would be lost, and those Provinces would become a broken Reed to us. But the Counsels then prevailing in the Court of *England* were not propensie to this Conjunction.

In

Advice given
the King.

The Nether-
lands ready to
imbrace an U-
nion with Eng-
land.

But not closed
with.

An. 1623.

All things ready for the Espousals.

The Match quite broke off.

Bristol's Apology to K. James.

In December the Ratification coming from the new Pope, there was great Joy in Spain: That King, to keep his Oath, prepar'd for the Espousals, and a day was prefix'd: The *Infanta's* Family was settled, and *March* appointed for her Voyage to *England*. The *English* Ambassadors carried themselves towards her as their Master's Spouse; Rich Presents she had prepar'd for the Prince, and the Earl of *Bristol* had provided costly Liveries for the Solemnity: but all was discompos'd on a sudden by the new Commands from *England* to the Earl not to move one step further, till an intire Surrender was procur'd of the *Palatinate* and Electorate. In the Court of *Spain* this delay was highly resented, the *Infanta* was no more stiled the Princess of *England*: But to the Demands from *England*, the King of *Spain* reply'd, That if upon a Treaty, the Emperor and Duke of *Bavaria* will not come to reasonable Terms, he will join his Forces with *England* to recover the *Palatinate*: And the *Spaniards* gave out, that the *Desponsorios* once past, the *Infanta* should on her Knees have beg'd the King to restore the *Palatinate*. But this did not satisfy; *Bristol* was call'd home, and all was dash'd to pieces to the Amazement of the Christian World; the whole business being a dark Riddle and Mystery.

Bristol having demur'd upon the new Instructions, made this Apology to the King his Master, That he understood both the King and the Prince infinitely desir'd the Match: That the Proxies were deposited with him in trust, with a publick Declaration how and when to deliver them: He appeals, which was the more prudent and honest course, whether to put a Disgrace upon so great a Princess, and a Scorn upon the King of *Spain*, by naming a day for the Marriage, when the Proxies would be expir'd, and not to insist on the Trust repos'd in him by two great Monarchs; or to represent to his Majesty the true state of things, and the hazard the whole Treaty was in by the Detention of the Proxies. But the Earl

Earl being call'd home, and acquainting the Conde Olivares therewith, Olivares told him in the presence of Sir Walter Aston and Gondomar, That the King his Master understood the Malice and Power of his Enemies in *England*; and the fault laid to his charge being about the delivery of the Proxies, the King judg'd himself to be touch'd in his Honour, and offer'd to write to the King of *England*, or send an Ambassador to mediate for him, he having serv'd his King with exactness and fidelity. That for an Encouragement to others to serve their Princes faithfully, the King of *Spain* had sent him a Blank to set down his own Conditions both in point of Title and Fortune. The Earl made Answer, That the King of *Spain* was not beholden to him; that what he had done he thought to be best for his Master's Service, and had rather go home and cast himself at his Master's feet, tho it cost him his Head, than be Duke or *Infantado* of *Spain*. When he was to come away, he had an offer of 10000 Crowns to supply him in case his own Monies should be seiz'd upon, and was told nobody should know it; Yes, said he, one would know it, who would certainly reveal it to his Majesty, viz. the Earl of *Bristol* himself.

21 Jac.
Olivares's Proposals to Bristol.

Bristol's Answer.

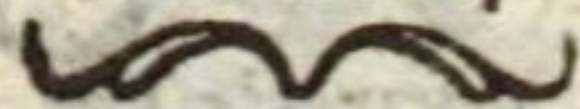
The Match was not yet declar'd to be broken off; but the Spaniards began to prepare for a War: They resolv'd if the next Letter from *England* brought no better News, they would return the Jewels the Prince left with the *Infanta*, and declare the Marriage broken.

The Spaniards prepare for a War with *England*.

King James had sent the Lord Kensington (afterwards Earl of *Holland*) into *France*, to enquire covertly, whether a Match between the Prince and the Lady *Henrietta Maria* a Daughter of *France* was feasible: The Lord Kensington gave an account, that that Court seem'd very inclinable to an Alliance with *England*, as the surest way to oppose the Incroachments and Ambition of *Spain*; but they did not directly imbrace the Overture of Marriage, because we had not wholly aban-

Ld Kensington sent into France about a Match there.

An. 1624.



abandoned the Treaty with *Spain*; and that they are not like to skrew us up to unreasonable Conditions in favour of the *Roman* Catholicks, yet hope his Majesty will not tie his Hands from some moderate favour to flow from their Mediation: And the Lord *Kensington* advised to go on roundly with the Match, lest it be obstructed by the Arts of *Spain*.

The Peoples
Grievances and
Jealousies.

But without the Assistance of Parliament the King could not go through with those weighty Affairs, and he was acquainted that three things troubled the People: That for the Subsidies in the two last Parliaments they receiv'd no Retributions by Acts of Grace; That some Members were proceeded against after the Parliament was dissolved; and that after they have satisfied the King's Demands, he would yet proceed to the Conclusion of the *Spanish* Match.

A Parliament.

Feb. 19. A Parliament began at *Westminster*:

The King's
Speech to them.

The King told them, that he crav'd their Advice in a matter of great importance (as the Parliament Writ imports, that the King would advise with them in matters concerning his Estate and Dignity): That he believes never any King was more belov'd of his People, and he would have them represent to him his Peoples Love in a true Glass, and give him their Counsel about the Match of his Son, wherein he had spent much Time with great Cost in long Treaties: That at the instance of his Son he sent him into *Spain* with *Buckingham*, whom he commanded never to leave him till he returned in safety; which he performed, but not with that effect he expected, but it had taught him, *qui versatur in generalibus* is easily deceiv'd: He refers to *Charles*, *Buckingham*, and the Secretaries Reports, as to what passed in the Treaty, desires them again to advise him what is best to be done for the good of his Son, and of his Grand-Children; assures them it is *res integra* before them, he being engag'd neither way: Bids them root out all Jealousies; for he dares avow his Actions before God, and never King govern'd with

with a purer, sincerer, and more uncorrupt Heart; that as God shall judg him, he never thought nor meant, nor ever in word expressed any thing that might favour of a Toleration in Religion: That he had conniv'd at some things which might have hinder'd more weighty Affairs, but never in all his Treaties agreed to any thing to the overthrow and disagreeing of those Laws; but only like a good Horseman, sometimes suffer'd the Reins to be more remis: And as for those their Privileges, that former Times warranted, he never did nor would infringe them: Bids them avoid Genealogies and curious Questions, and nice querks and jerks of Law, and compose themselves speedily and quietly to this great Affair: For God is his Judg, never did any Man in the Deserts of *Arabia* more desire Water to quench his Thirst, than he thirsted for a good issue of this Parliament.

Feb. 21. The Commons presented Sir Thomas Crew for their Speaker, whose Excuse being refus'd, he spake to this effect, *viz.* After he had pray'd the King to extend his Grace towards him in the Execution of so great a Charge, he said his Majesty was *Princeps hereditarius*, descended from both the Roses, and had united both the Kingdoms: That at his first entrance upon the Death of the late Queen he wrought a wonder, *Sol occubuit, nox nulla secuta est*; and the Acclamations of all his Subjects concur'd to express their Contentment: That he call'd to mind the two Parliaments of 32 *H. 8.* call'd *Doctum*, and of 39 *Eliz.* call'd *Pium*, and the many good Provisions made at the two last meetings: And his Majesty hath declar'd he would have all Jealousies remov'd, and the Memory of Parliament Nullities buried: Hopes there shall be a sweet Harmony between King and People: And that the Bills against Monopolies, Informers and Concealers, may now pass with a general and liberal Pardon; that so this Parliament may be call'd *Felix, Doctum & Pium*: That the best Supply of his Majesty's Wants is in Parliament, other courses of Benevolence come heavily:

Sir Thomas
Crew chose
Speaker:
His Spe. ch.

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ly: That they desire, that by the Execution of the Laws for Religion, those Locusts the Jesuits and Seminary Priests may be blown over Sea as with an East-wind: Hopes that God will restore the distressed Princess, her Husband and Royal Issue. *Cato* said, *Hoc sentio & Carthago destrueda est*: But it may now be said, *Hoc sentio & Palatinatus recuperandus est*. A *Lacedemonian* said, Concord was the Walls of their City. His Majesty's are without the Ocean, within the Bond of Unity and Religion: And his care hath extended to *Ireland* for Religion, the Courts of Justice, and the publick Peace there; besides the Endowments of Churches out of his own escheated Revenue: He pray'd the King would allow their antient Privileges; that their Persons, Goods and Attendants may be free from Arrests, that they may have freedom of Speech, and access to him; and that what he had said might have a gracious Construction.

The Duke's
Narrative.

The King having refer'd the whole business of the *Spanish Match* to the Advice of Parliament, the Duke of *Buckingham* made to both Houses a long Narration of all the Transactions, accompanied with the Prince's Attestation; and divided his Narration into six several parts, viz.

I. The Motives of the Prince's Journey to *Spain*: That the Negotiation of the Chancellor of the *Exchequer* with the Archdutchess gave to his Majesty the first jealousy of the *Spaniards* indirect dealing: Then was read the King's Letter of the 3d of *Octob.* 1623. to the Earl of *Bristol*, that he should demand of the King of *Spain* a Promise under Hand and Seal that *Heidelburgh* should be delivered within seventy days, with *Manheim* and *Frankendal* if taken, or to have leave to march through his Territories, and he to assist us with his Forces. The Duke said, this was not put home by *Bristol*, nor the King's second Letter, wherein he was commanded to press for a positive Answer, or if delay'd, to take his leave and come away. *Porter* who carried these Letters seeing nothing towards

towards a dispatch, went to *Olivares* to speed it; but when he mention'd the King of *Spain's* assisting us with his Forces, or giving us leave to march through his Country, *Olivares* reply'd, That to assist with Arms against the King's Uncle, and the Catholick League, was a preposterous Demand; and speaking of the Marriage, *Olivares* told him he understood not a word of it. *Porter* acquainting *Bristol* therewith, *Bristol* threatned to call the *Conde* to account for it, but next Morning grew calmer, and said the *Conde* was reserv'd to *Porter*, because no publick Minister: and *Porter* returning with a Dispatch fraught with Generalities only, the Prince resolv'd to go into *Spain*; for that he saw his Father deluded, Matters of Religion extorted, and his Sister's Cause desperate; and a desperate Disease must have a desperate Remedy: Thereupon the King commanded the Duke to accompany him.

2. The Treaty of Marriage sever'd, and by it self. When the Prince arriv'd at *Madrid*, the *Conde* gave him a Visit, magnified the Journey, and said, Now it must be a Match, and we must divide the whole World between us. The next day the *Conde* propos'd to the Duke, that if the Prince would be converted (which he conceiv'd he design'd before he came thither) they would strike up the Match without the Pope. The Duke answer'd, That they came not thither to make new Bargains, and that the Prince was settled in his Religion: Then said the *Conde*, we must send to *Rome* for the Dispensation; and wrote a Letter to Cardinal *Ludovisio*, the Pope's Nephew, which seeming to the Duke to be very heavy, the Duke would have had a Postscript, That the Prince must not be sent back without a Wife, and that clogging Conditions would amount to a denial and absolute breach: But the *Conde* in Choler said it could not be done: However the Messenger was sent to *Rome*. Four or five days after this the Prince was plac'd to see his Mistress in her Passage through the Streets, and at length obtain'd
access

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access to her, but was not suffer'd to speak to her but in words set down in Writing: They resolving to admit him as a Prince, not as a Suitor. But to salve this, the *Conde* told him, That when the Dispensation came he should lie with her that very night, if not as a Wife, yet as a Mistress. In the mean time Endeavours were used for the Prince's Conversion, and a Conference with Divines was press'd upon him, which he refus'd, as a means to disgust them if they prevail'd not. Six weeks after the Prince's arrival the Dispensation came, but very much clogg'd, especially with this new Condition, that the King of *Spain* was to swear to see all the Articles perform'd, or in case of failure, to make War upon *England*. But the Prince signified his Resolution, not to add to, or alter the first Articles; which were all gone through and settl'd save that of the Church, the Nurse, and Education of the Children; and *Olivares* declar'd it must now be a Match. But the next day *Gondomar* spake to the Prince of the Match as of a new thing, and told him, that unless he came up to all the Conditions of the Dispensation, nothing would be done; for they had no Power to expunge or alter any thing therein: Whereupon the Prince offering to break, they pray'd him to stay twenty days, until they could have an Answer from *England*; but the twenty days were expir'd before the Articles were ready, and then they were sent to *England*, but with new Additions. And altho the Juncto of Divines had given their Opinions, that the *Infanta* could not be sent over before the Spring, the *Conde* nevertheless promis'd she should go with the Prince when the Articles were assented unto by King *James*, and put in Execution. The Bishop of *Segovia* was pleas'd to tell the Duke, that he had credibly heard that our King could not grant a Toleration without a Rebellion; and therefore it was unsafe to send the Lady thither at that time, we having in effect granted a Toleration. The Duke reply'd, That it seems his Lordship and others

others who advis'd that Article, tho they pretended Religion, intended Rebellion: But what was agreed unto was but a Temporary Suspension of Penal Laws, not a Toleration. *Gondomar* hereupon declar'd, that he did not hold it fit to send the *Infanta* thither before the Articles were fully put in Execution. About this time it being reported the Prince intended to steal away, the Duke was sent to tell them, That altho they had stolen thither out of Love, they would never steal thence out of Fear: And the Prince sent to his Father, that if he should be detain'd a Prisoner he should think no more of him.

3. *The Treaty of the Match and Restitution reciprocally subordinated*: Here the Duke said, That the Prince had never staid in *Spain*, left any Proxy, or took any Oath there, but upon the *Conde's* promise for the Restitution of the *Palatinate*. The Duke represented to the *Conde*, that his Master was in years, and the Prince his only Son, whose absence he regretted; but that it would not stand with his Honour to return without his Wife. The *Conde* consented, and desir'd the Prince to name a day for his departure; and upon *Sir Francis Cottington's* return to *Spain* with all things perfected by the King, the *Conde* began to treat about the *Palatinate*, and the Project was, that the *Palatine's* Country should be restor'd to the *Palatine's* eldest Son, upon a Condition of Marriage with the Emperor's Daughter, and his being bred in that Court. But the Prince demanding of the *Conde*, whether if the Emperor prov'd refractory, the King his Master would assist with his Forces against him; the *Conde* answer'd negatively, for they had a Maxim, That the King of *Spain* must never fight against the Emperor: Whereupon the Prince protested, that without that they might not rely upon either Marriage or Friendship. By this time the Prince was grown cheap in the Court of *Spain*, scarce a Visit bestow'd on him. And the Duke occasionally saying, it must needs be a firm and strong Match,

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that

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that had been seven years in soading, the Conde deny'd it, and said it had not been really intend- ed seven months, and to prove it, produc'd two Letters, one from the King of Spain, and the o- ther from Conde Olivares; both which are men- tion'd before.

4. *The Prince's return from Spain*: The Prince deposited his Proxy in the Earl of Bristol's hands, to use it as he should receive his Highness's Di- rection from time to time; and his words for the present were, That if the Ratification came from Rome clear and intire (which it did not) then within so many days he should deliver it to the King of Spain: But in a Letter before he came to the Sea-side, directed the Earl, that he should stay the delivery of the Proxy till some Doubts were clear'd, and until further Directions. Here the Prince vowed openly before both Houses, that he never by Oath or Honour engag'd himself not to revoke the Powers, otherwise than by the Clause *de non revocando Procuratore*, inserted in the In- strument it self, which is only matter of Form, and neither by the Civil or Common Law bind- ing.

5. *The subsequent Proceedings*: After the Prince had at Royston acquainted the King what had passed, his Majesty commanded the stay of the Proxy in the Earl of Bristol's hands, till he was better assur'd of the Restitution of the *Palatinate*; then was read the King's Letter to the Earl of Bristol to that purpose, notwithstanding which Bristol, 1. When the Ratification came from Rome clog'd and mangl'd, labour'd all he could to hide and palliate it: 2. The Portion was alter'd from 600000 l. in ready Cash to 80000 l. in Mo- ny, a few Jewels, and a Pension of 2000 l. per annum. This Bristol approv'd of. 3. He leaves the Restitution of the *Palatinate* to be mediated by the *Infanta* after the Marriage. 4. Instead of putting off the Contract, he prefixes a precise day for the Desponsorio's, which being controuled a- gain by an Expres, an unnecessary Discourtesy was

was put upon that King and the *Infanta*; and a greater Affront upon the Prince, by taking away the Title of *La Princesa*, and debarring our Ambassadors from access to her. The King of Spain's Answer to the Ambassador's Memorial, implying a Refusal to assist us by Arms, was likewise produced.

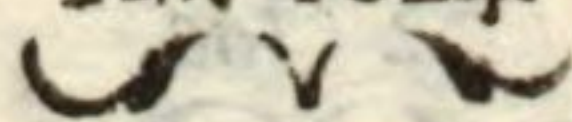
6. *The stating of the Question, super totam materiam.* The Duke stated it thus; Whether what he had opened be sufficient for his Majesty to rely upon, for the Marriage of his Son, and relief of his Daughter, or that these Treaties be set aside.

The Prince assisted the Duke in this Narration, and attested several of the Particulars thereof; and the *Spanish* Ambassador taking great Offence thereat, as reflecting upon his Master's Honour, demanded Satisfaction. *The Prince assists the Duke in his Narrative.*

The Lords, by a general Vote, justified the Duke, and joined with the Commons in an Address to the King, wherein they take notice of the Complaint of the *Spanish* Ambassador, and represent to him that they do, with an unanimous Vote of both Houses, acquit and clear the Duke from speaking any thing derogatory to the King of Spain's Honour. That if the Duke had omitted any thing he said, he had failed of his Duty and Fidelity: And that they do much honour the Duke for that Narration, and render him Thanks for the same, and believe he hath deserved well of his Majesty and the Common-wealth. *The Duke justified by both Houses.*

To which Representation the King made answer, That if he should be silent, he should not wrong that Nobleman of whom they speak, he being well known to stand in no need of a *Fidejussor*; that he would not have sent a Man upon so great an Errand, could he not have trusted him. That he is a happy Master that enjoys a faithful Servant; and his greatest Fault was, his desiring this Justification from them, he being his (the King's) Disciple and Scholar, and having made the same Relation to himself, as he did afterwards

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*Both Houses
concur that the
King could not
with Honour or
Safety proceed
in the Treaties
with Spain.*

*The Commons
Reasons for it.*

to both Houses: And was ill thought of for going with the Prince, and now he hath as little Thanks for his Relation. That he hath noted three things in the Duke's Negotiation, Faith, Diligence, and Discretion; altho he hath given an ill Example to Ambassadors to spend 40 or 50000 l. in the Journey, which he never demanded, nor ever will. That he was glad the Duke had so well satisfied them, and thanked them heartily that they took it in so good part.

The Lords and Commons, in pursuance of a Vote of both Houses, presented an Address to the King; wherein, after Thanks to Almighty God for dispelling the Clouds and Mists which had in that Business dimm'd the Eyes of a great part of Christendom; and to the King, that he would require their Advice in a Case of that importance: They finding so little sincerity on the *Spaniards* part, do, on the whole Matter, unanimously present this as their Opinion, That the Treaties for the Marriage and the *Palatinate* might not any longer be continued with the King's Honour, his Peoples Safety, his Childrens Welfare, or the Assurance of his antient Allies and Confederates.

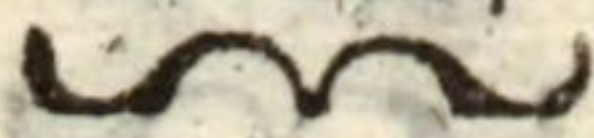
To fortify which the Commons gave their Reasons, and presented them to the King, *viz.* That at first no more was proposed than Liberty of Conscience for the *Infanta* and her Family: But afterwards the *Spaniards* taking advantage of the Prince's being in *Spain*, importuned a general Connivance, to the Diminution of the King's Sovereignty, against the Usage of other Catholick Princes in the like Cases, and to the Discouragement of his own Subjects. That this was concerted with the Pope, whereby the Popish Faction is increased, and the Secular Priests and the Jesuits are become united, and cannot be suppressed as long as the Treaty holds. That during this Treaty they have devoured the Protestant Party in *Germany*, and elsewhere, spoiled his Majesty's Son-in-Law of his Lands and Honours, notwithstanding Promises

mises of Restitution; deluded the King, and importuned the Prince to a Conversion, contrary to the Laws of Hospitality, and the Privileges of Princes. That in a former Overture of Marriage for Prince *Henry*, they disavowed their own Ambassador, and proposed that Prince's altering his Religion. And at *Bruxels* the Lord *Weston* found nothing but Delays and Deceit, which ended in the taking of *Heidelburgh*. To this add the Translation of the *Electorate*; the two Letters aforesaid, which shew the Match was never intended, and their devising a Shift by a *Juncto* of Divines, to let the Prince come home without the Lady.

Hereupon the King came to Parliament, and spoke to this effect, *viz.* He thanked God that his former Speech had taken so good effect; and thanked them for their Advice, and particularly the Gentlemen of the Lower House; who when some would have cast in Jealousies and Doubts, presently quelled them. That he would now, as an old King, propound his Doubts, That he who had been all his Life-time *Rex Pacificus*, was unwilling to enter into a War but upon Necessity. That he had, since the sitting of this Parliament, hopes of obtaining better Conditions for the Restitution of the *Palatinate*; but would not reject their Advice, only must first consider how this Course may agree with his Conscience and Honour, and then how he shall raise Forces for that purpose. That it would be a great Comfort to him to live to see his Children restor'd, or to be assured it would be; for he desired not to enjoy a Furrow of Land himself, without the Restitution of the *Palatinate*. But before they engage him in a War, he would have them consider the Difficulties, and what is requisite thereunto. That his own Disabilities are increased, by the Charge of his Son's Journey into *Spain*, by sending Ambassadors, maintaining his Children, and assisting the *Palatinate*; and he had contracted a great Debt to the King of *Denmark*. That the Low-

The King's
Speech there-
upon.

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Countrys are at a low Ebb ; the Princes of *Germany* who should assist, are poor, weak, and disheartened : *Ireland* is a Back-door must be secured. The Navy, tho in a better case than ever, yet more must be done : That his Children eat no Bread but by his Means. His Customs are farmed out, upon Condition, if any War, the Bargain to be void ; and Subsidies will take a great time to bring them in. Bids them shew him the Means how he may do what they would have him, and the Mony shall be disposed of by their own Deputies. And he promises, that tho War and Peace be the peculiar Prerogatives of Kings, he will not treat, or accept of Peace, without first consulting with them. That it comforts him, that there was not a contrary Voice amongst them, like the Seventy Interpreters who were led by the Breath of God. That he is desirous to forget all Rents in former Parliaments, and it shall not be his Fault if he be not in love with Parliaments, and call them often. Bids them advise of these Points, and his Resolution should then be declared.

The House of Commons immediately took into consideration the Matter of Supply, and Sir *Edward Sackville*, afterwards Earl of *Dorset*, spoke to the following purpose.

Sir Edward
Sackville's
Speech.

He craved leave to declare his Opinion touching the Supply then in question, assuring them, That when they came to debate Grievances, he would not sit silent, but would lend a hand to free his Country of those innumerable Monopolies it groans under ; which like so many *Incubusses* and *Succubusses*, exhaust the vital Spirits, and press down those Parts which ought to enjoy free Respiration. That his Majesty had called this Parliament out of mere Necessity, to be enabled for the recovery of the King of *Bohemia's* Patrimony ; and had before this Session commanded a select Number of Noblemen and Gentlemen who had been, and some of them yet are, Commanders in the Wars, to meet and consult about an

Army

Army to be raised for that purpose; which they did accordingly, and agreed on 25000 Foot, and 5000 Horse, which is the least could be sent against an Enemy at such a distance, already in possession of a great part of the Country, well fortified, Master of an Army of 20000 Foot and 4000 Horse, most Veteran Soldiers, commanded by the best Generals in the Christian World except the Prince of *Orange*. For the Charge of Clothing and Arming such a number of Men, with Munition and Habiliments of War, his Majesty must disburse Thirty thousand Pounds, and the Army must go by the end of *April*. They have likewise calculated the Annual Expence for the maintenance of them; but for that must be allowed more time of consideration. That 'tis true the King told them, He hoped that by way of Treaty the *Palatinate* should be restored; but he must be excused if he doubts, nay despairs of it. And if it should be so, their Gift would not be lost, but well bestowed, if as a Sacrifice of Thankfulness offered to his Majesty, by whose Wisdom that is regained, which otherwise would expose their Persons to Danger, and their Purles to more Expence: Or let it be imploy'd in providing a Magazine at home, since Munition is wanting more than Mony. That what is done must be done speedily, the Occasion is pressing, for the Daughter of our King and Kingdom scarce knows where to lay her Head, or if she doth, not where in safety. When they had nothing to excite them but the memory of her Vertues, what a forwardness and fervency did they express in their voluntary Contributions? But 'tis his Majesty now that calls to them for Aid; and he that was born to command, now vouchsafes to intreat them. He moved them to please the King first, and he would be graciously pleased to reward them; for in the Region of Kings the way to conquer is to submit. This is the way to make his Majesty fall in love with Parliaments: that if any differ from him, and would have Grievances first preferred, as unwilling

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To the Doubts which the King propounded, the Parliament gave Solution by a Committee of both Houses in the Declaration following, deliver'd by the Arch-bishop of *Canterbury*, with this Introduction, *viz.*

The Parliaments Answer to the King's Speech.

That they thanked God he had sent them a King who is pleased to speak, and to be spoken to in Parliament, which is a Bond that ties the Hearts of the Sovereign and Subject reciprocally to each other; and rejoiced that his Majesty had shewed himself sensible of the Insincerity of the King of *Spain*, and of the Indignities offered to his Son the Prince, and to his Daughter; and that his Heart is filled with desire to restore her noble Consort and her self to the *Palatinate*, their Patrimonial Possession. For the effecting whereof, both Houses have offered their Assistance in the following Address, which was read, and was to this effect.

They offer the King 3 Subsidies and 3 Fifteens.

They give his Majesty Thanks for expressing himself so well satisfied with their late Declaration to assist him: That they have resolved, that upon his Majesty's publick Declaration for the dissolution of both the Treaties of the Marriage, and the *Palatinate*, in pursuance of their Advice, and towards the War likely to ensue; and more particularly for the Defence of this Realm, the securing of *Ireland*, the Assistance of the *United-Provinces*, and other Allies; and the setting forth the Navy, they will give three intire Subsidies, and three Fifteens, being the greatest Aid which ever was given in Parliament: All to be paid within one Year after the said Declaration, to such Committees or Commissioners as hereafter should be

be agreed upon at this present Session, and by their Direction to be expended; and that they will never fail in a Parliamentary way to assist his Majesty in so Royal a Design.

Hereunto his Majesty reply'd, That the Arch-*His Majesty's*
bishop of *Canterbury* had intimated something in *Reply.*
his Preamble which he could not allow of: For he had never expressed himself sensible of the Insincerity of those with whom he had to deal, or of any Indignity offer'd to his Children. It was *Buckingham's* Relation that touched upon it: But *Jupiter* must not be made speak that which *Jupiter* speaks not; for when he speaks any such thing, he would speak it with that Reason, and back it with that Power which becomes a King. That as to their Declaration now read to him, he confesses 'tis without Example that any King hath had such an Offer. But he must consider the Possibility of the Action; for he must have the Help of his Allies, as well as the Hearts of his Subjects, for the Recovery of the *Palatinate*; and before he begins a War, see how he can maintain it, for God knows 'tis a longsome Work. He proposed that they would give him five Subsidies, and two Fifteens to every Subsidy for the War; and for his own Debts (which lie so heavy upon his Conscience) one Subsidy and two Fifteens yearly till they are paid.

Here the Prince said, That he having told the Committee of both Houses, that the King would ask nothing for his own Particular till the Wars were provided for; the Duke of *Buckingham* having moved it to the King, his Majesty declared, That if they would add one Subsidy and two Fifteens for the War, he would quit what he had asked for his own Necessities.

The King proceeded, and said, If this might be done he would follow their Advice: But in the levying the Subsidies, and Fifteens, he would have them to consider how to clear two Difficulties; If they levied them too suddenly, it might be heavy for the People: If they stay'd too long,
it

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it would not serve the Turn ; that in this great Business he must look to his Conscience and Honour, as well as to the Means.

Here the Prince and Duke of *Buckingham* both said, That the King had declar'd to them he was satisfied in Honour and Conscience he might in this case undertake a War ; but for the manner of declaring it, he would take the Parliament's Advice. And the Duke added, That the King having formerly spoken of his Honour and Conscience, it might have been thought (if he had now omitted it) that the Mony had drawn him to it.

The King told them, this was the way to make him in love with Parliaments : That he would make this a Session, and have another about *Michaelmas* ; bids them go down and acquaint themselves with his Peoples Grievances, and protested he would never enter into any Agreement or Treaty without their Advice.

The King resolves to annul the Treaties.

So the King declares his Resolution to dissolve the Treaties : Whereupon Bonfires were made in *London*, and the Bells rung for Joy. The Parliament hastned the Act for three Subsidies, and three Fifteens : And by the same Act Treasurers were appointed to receive and disburse the Monys, and a Council of War to manage the Design.

The King likewise made the ensuing Declaration to both Houses, *viz.*

Accepts the Aid offered him.

That as far as they have declared themselves, is sufficient for the present entrance into this great Business, tho a great deal short of what he told them it would require. That he never stuck for Mony, only desired to see a good beginning of the War ; for what the End would be, God knows. He thanked them for their general Offer, to engage their Lives and Estates ; and for the present Supply they had given him, to be paid within a Year, which is as much as can be levied in so short a time. That he would not have craved their Advice to reject it ; and as he is willing to follow it in annulling the two Treaties of the Match, and the

the *Palatinate*, so he assures himself they will assist him with their Counsel and Forces: Desires their charitable Opinion, for his forbearance so long was for sparing the effusion of Christian Blood. And he could have resolved himself, but he thought it a Strength and Honour to him to have the Advice of his People. He formerly told them he would have the *Palatinate* one way or other; and the very Enemies of his Son-in-law confess he hath reason for it, and if he recovers it not he wishes he had never been born: Hopes they will think of him in the next place; for by the War his Customs will fall, and his Charges increase; but he will go through with it, tho he sells his Jewels and all. That tho he broke the Neck of three Parliaments, yet hopes this shall be a happy Parliament, and make him greater and happier than any King of *England* ever was. That he must have a faithful and secret Council of War, that must not be ordered by a Multitude; for whether he shall send 20000 or 10000, whether by Sea or Land, East or West, by Diversion, Invasion, or otherwise, that must be left to their King; hopes that God would so bless their Advice, that he shall clear his Reputation from Obloquy, and shew he had ever an honest Heart; for whosoever did the Wrong, he deserved better at their hands.

The King purposes to signify to the King of *Spain*, that his Parliament had advised him to break off the Treaties, and to recover the *Palatinate* by War: the notice of a Petition framed by the House of Commons, and sent up to the Lords for their Concurrence, somewhat staggered him, as appears by his Letter to Secretary *Conway*, wherein he calls it a *stinging Petition*, saith, He resolves not to make this a War of Religion, and would not be cony-catch'd by his People: Bids him stay the Post that was going to *Spain* (till he could speak with his Son) that he let none living know of this.

King's Letter
touching a Pe-
tition against
the Papists.

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The Petition.

The Petition the King calls a stinging one was to this purpose: That they having receiv'd his Resolution to dissolve the Treaties of the Match and *Palatinate*, and having offer'd their Assistance to maintain the War, and finding what seditious and traitorous Positions the Priests and Jesuits have infused into his Subjects, what numbers they have seduc'd to make their dependance on the Pope and King of *Spain*, the concourse of Popish Recusants in and about *London*, their Insolence out of the opinion of Foreign Patronage, their resort to Masses in the Houses of Foreign Ambassadors, the Preparations in *Spain* for an Invasion; What Encouragement it is to his Enemies, and disheartning to his loving Subjects, to have a Party in the Kingdom whom there is more cause to fear than his Adversaries abroad; And what Dangers they have escaped, which the continuance of those Treaties would have brought upon them: They humbly pray, 1. That all Jesuits and Popish Priests may by Proclamation be commanded forthwith to depart and not return, nor any to harbour them upon Peril of the Penalties by the Laws now in force. 2. That the Justices of Peace do take from all Popish Recusants their Arms and Munition, leaving only what the Laws allow them for defence of their Houses and Persons. 3. That he command all Popish Recusants, and others by Law prohibited from coming to the King's Court, to retire from *London*, to the Places appointed them by Law, and not to stir five Miles from their Dwellings, nor repair to *London*, or within ten Miles thereof, or to the King's or Prince's Court wheresoever. 4. To forbid his Subjects resort to the Houses of Foreign Ambassadors or Agents for hearing of Mass, or other Popish Services. 5. That Popish Recusants, Non-Communicants for a year last past, and such as do not usually come to Church, be discharged from being Lord-Lieutenants, Deputy-Lieutenants, Commissioners of Oyer and Terminer, Justices of Peace, &c. 6. That the Laws against Popish Recusants may be put in Execution, and the Judges,

Judges, Justices, &c. commanded by Proclamation to do their Duty therein. 7. That they being happily delivered from that danger, which those Treaties would have brought upon them, his Majesty would engage his Royal Word, That upon no Marriage, or Treaty, or other Request, he would take off or slacken the Execution of the Laws against Popish Recusants.

To all which they pray a gracious Answer.

This Petition after a Conference between both Houses was reduc'd to another Form, and so presented to the King: And his Majesty return'd for Answer, That he commends their Zeal, but holds himself unfortunate, that he should be thought to need a Spur to that which his Conscience and Duty binds him unto. What Religion he is of, his Books, Profession and Behaviour shew, and he shall never deserve to be thought otherwise. He protests before God, his Heart hath bled when he hath heard of the increase of Popery; and God is his Judg, it hath been a great Grief to him: That if he be not a Martyr, yet he is a Confessor; for never King suffer'd more by ill Tongues, and for no cause; and yet he hath been far from Persecution, than which nothing increases any Religion more: That he will by Proclamation command all Jesuits and Priests to depart out of this Kingdom by a day, but a Proclamation here extends not to his other Dominions: He will command his Judges to put the Laws in Execution against Recusants, as they did before the Treaties, for they were never dispensed with by him; nor, God is his Judg, were ever so intended by him: That the Recusants shall be disarm'd, and some order taken about his Subjects shameful resort to the Houses of Foreign Ambassadors, which, tho' privileg'd Places, yet some of them may be taken as they come from thence, and made Examples. Another Point he will add about the Education of their Children, as to which he hath advis'd with the Bishops of *Canterbury* and *Winchester*, and others of his Council; for 'tis a shame they

*His Majesty's
Answer to the
Petition.*

An. 1624.



Spanish Ambassadors accuse Buckingham to the King.

The Issue of those Accusations.

they should be bred here as if at *Rome*: So he grants their desire, and more. That it is against the rule of Wisdom, that a King should suffer his Subjects to transgress the Laws at the Intercession of other Princes, and he will be careful no such Conditions shall be foisted in upon any other Treaty.

This Petition was further'd by the Duke of *Buckingham*; and the *Spanish* Ambassadors being nettled thereat, suggested to the King (not without some Reflection upon the Prince) that he was shut up by the Duke's Creatures, was to be confin'd to his Country-house and Pastimes, the Prince having Years and Parts for Government: That the Duke had reconciled himself to the popular Party, and that all look'd towards the rising Sun: They advis'd the King to free himself of his Captivity, and of such an Affecter of Popularity. The King demanded of them particular Proofs, but they refus'd to declare the Names of the Conspirators, or of their Authors. The Privy-Counsellors and other principal Persons were examin'd upon Oath about it, but nothing discover'd. The Ambassadors and their Partakers intimated to the King, that those things could not be made out by legal Proofs, for that none durst appear against the Duke; nor had the Ambassadors ever the freedom to speak to the King in the Duke's absence, a thing unusual with Kings, unless where the King is weak in Judgment. But here (say they) is a prudent King, and a young and rash Favourite; and they suggested that it was the Duke who had taken the business of the *Palatinate* out of the hands of the King's Council, and refer'd it to the Parliament, arrogating all the Thanks to himself. But these dark Intelligences had no other issue, than King *James* his representing to the King of *Spain* the Miscarriages of his Ambassadors, for which when they return'd home they were confin'd a few days, but afterwards rather rewarded; and the *English* Merchants began to be oppressed in the *Spanish* Ports.

Notwith-

Notwithstanding the Duke's vast Power, the Earl of *Bristol* refus'd to bow before him: He protested against the Duke's Narrative of the *Spanish* Affairs, was refus'd the King's Prefence, and committed to the Tower.

22 Jac.
E. of Bristol protests against the Duke's Narration, and is sent to the Tower.
The Speaker's Speech to the King.

May 29. The King being come to the House of Peers, Sir *Thomas Crew* Speaker (the Commons present) spoke to this effect: That God had brought this Session to a happy end: That the Advice both Houses had given his Majesty was unanimous, not a negative Voice, as there was no Hammer heard in building the House of God: That they had prepar'd several Bills, the natures of which Bills he opened; to which they desir'd his Majesty's Assent: He declar'd their Joy for the Dissolution of the two Treaties with *Spain*; and that Commissioners were requir'd to see the Laws against Recusants and Jesuits put in Execution: Thank'd the King for the Enjoyment of their antient Privileges, their often access to his Prefence, and his General Pardon; and presented to him the Bill for three Subsidies, and three Fifteens and Tenths, and pray'd that God would direct his Heart to make his own Sword his Sheriff, to put his Son-in-law in possession of his *Palatinate*.

The King made Answer, that they should enjoy their Freedom in as large a manner as ever: Protested his continual care for the Restitution of his Son-in-law: Thanked them for the Subsidies: Expects they would the next Session relieve his own Wants; and thanked the Commons for their Obedience and good Respect in this Parliament, hoping they will continue it: That he had looked over the Grievances presented to him by the Commons, and is glad they are of no more importance: That he will give them an Answer for his Peoples good, and would have them handle Grievances, not hunt after them: That he will now shew them his Grievances. 1. That they grieve at the building about *London* with Brick. 2. The Commons complain'd of Dr. *Ayman* and the Commissioners,

The King's Answer.

An. 1624. missioners, but never heard them, and their Oath of Supremacy forbids them to meddle with Church Matters. 3. Their Complaint against the Apothecaries: whereas his care therein was only for his Peoples Health. 4. That seditious Books are so frequently printed. 5. For calling for so many Patents, appointing the Patentees to wait so many days with their Council, and never hearing them.

The Lord-Keeper by his Majesty's Command approv'd the Particulars of the Speaker's Speech, comparing the unanimous Consent of both Houses to the *Septuagint* directed by the Holy Ghost. As for such of their Bills which his Majesty will not pass, he knoweth what is best to be granted to his People. *Solomon* denied *Bathsheba's* request for *Adonijah*, lest he had thereby given him means to usurp the Kingdom, contrary to *Bathsheba's* meaning. His Majesty thanks them for the Subsidies, not imitating him in *Macrobius*, who having all his Debts paid, answer'd, *Et mihi nihil*; for what is given to the *Palatinate*, he takes as given to himself.

Then the Clerk of the Crown read the Title of the Bills, and the Clerk of the Parliament read the King's Answer to each Bill; and the King wished this Parliament may have a happy Conclusion: There passed 35 publick and 73 private Acts.

Four Regiments of Foot raised. Four Regiments of Foot were raised for the United Provinces against the Emperor, under the Command of the Earls of Oxford, Essex and Southampton, and the Lord Willoughby.

Frankendal redemanded by King James.

Spinola marches out of it, and instantly re-enters.

Frankendal having been sequestred into the hands of the Archdutchess for the term of eighteen months, which was to expire in *October* next; the King resolv'd to redemand the Town, and sent thither 1500 Foot and 200 Horse to take possession thereof: But on the day the Town was to be redelivered, *Spinola* with his Forces marched out, and finding none of the *English* Forces ready to enter it, instantly re-enters and takes possession for

Spinola marches out of it, and instantly re-enters.

for the King of Spain: And there being in the Dutch Church at Frankendal a fair Monument (erected by the Town of Frankendal) of Captain Thomas Fairfax and John his Brother, Sons of Sir Thomas Fairfax, and Uncles of the late Thomas Lord Fairfax, who were both slain when the Town was besieged, the noble Spaniard left the Monument standing, and the Inscription thereupon undefaced.

King James earnestly desired the Match with France, which the French perceiving, enlarged their Demands in favour of the Papists, and strained him to such Concessions, as he had promised to his Parliament he would never grant upon the Mediation of a Foreign Prince: And Cardinal Richlieu assured the Catholics here that the Most Christian King would obtain honourable terms for them, or never conclude the Match; and that for his part he would do his utmost therein. This Treaty held fewer months than that of Spain did years.

In August the Match was concluded, and in November the Articles were sworn unto: Those for Religion were not much short of those with Spain. The Conclusion of the Treaty was seconded in France and in London with Bonfires, &c.

Count Mansfield arrived in England. A Press went through the Kingdom for raising 12000 Foot, and two Troops of Horse under his Command, for the Recovery of the Palatinate; the French having promised a free Passage through France into Germany, and an addition of Strength. The Spanish Faction secretly insinuated to the King, That Mansfield was but the Palsgrave's Spy; that the Puritans wished the Kingdom rather to the Palsgrave than to Prince Charles: That it was the Duke's Plot, and the Parliament's Fury to begin a War with Spain; and it would be the King's Glory, that his Motto (Blessed are the Peace-makers) might be verified in him. The Duke of Bavaria offered wholly to depend on Spain, if they would protect him in his new Dignity; but the more

King earnestly desires a Match with France.

Which is concluded.

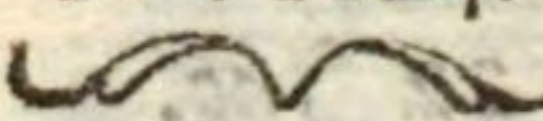
Count Mansfield arrives in England.

12000 Foot and 200 Horse raised.

Insinuations of the Spanish Faction.

circum-



An. 1624.  circumspect Party there was for keeping things in a possibility of an Accommodation with *England*: And the Duke of *Saxony* pressed the Emperor to settle a Peace in *Germany*. Six of the Regiments of Foot rais'd for Count *Mansfield* were under the Command of the Earl of *Lincoln*, Viscount *Doncaster*, Lord *Cromwell*, Sir *Charles Rich*, Sir *Andrew Grey*, and Sir *John Borrough* Colonels; and several Ships were appointed for transporting the Army from *Dover*.

Mansfield's
Commission
from K. James.

Count *Mansfield*'s Commission from King *James*, bearing date 7 *Novemb.* 1624. was to this effect: That at the request of the *Palatine* and his Wife, he had empower'd *Mansfield* to raise an Army for recovering the Estate and Dignity of the *Palatine*; but intended not that he should commit any spoil upon his Allies, particularly not upon the Dominions and lawful Possessions of the King of *Spain*, or the *Infanta Isabella*: And all Commissions granted by *Mansfield* to that purpose shall be void, wishing him good success against the Duke of *Bavaria*; and the King took an Oath from the Count to conform thereunto. This Army consisting of twelve Regiments put over to *Calice*, in hopes to land there, and after a tedious stay was forced to set sail for *Zealand*; but coming so unexpectedly upon the States, were not suffer'd to land there: Thus being penn'd up in the Ships, a Pestilence came among them, and scarce a third part ever landed, the Design coming to nothing.

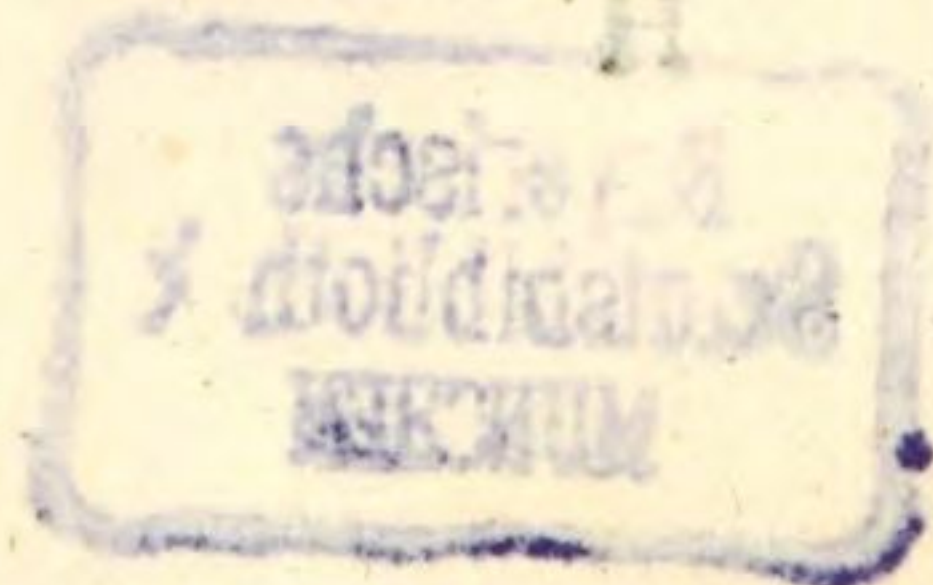
Denied to land
in France or
Zealand.

The design o-
verthrown.

A new Popish
Bishop sent over
with Episcopal
Jurisdiction.

Above 60 Be-
neditine
Monks in Eng-
land.

The hopes of the Papists reviv'd upon the Marriage-Treaty with *France*: And upon the death of *William* Titular Bishop of *Calcedon*, the Secular Priests here petition'd the Pope for another to be sent over to exercise Episcopal Jurisdiction; wherein the *Benedictines* join'd with the Seculars against the other Regulars; and *Rudesin Barlo* President of the *English Benedictines* at *Doway*, in his Letter to *Rome*, dated the 12th of *December* 1624. affirm'd there were then above sixty of that Order in *England*. At length *Richard Smith* was created Bishop of *Calcedon*, and



and sent into *England* with Episcopal Authority.

22 Jac.

King *James* being troubled with a Tertian Fever, and finding Death approaching, recommended to his only Son Prince *Charles* the Protection of the Church of *England*, advised him to love his Wife, but not her Religion; charged him to take special care of his Grand-children, and to employ all his Power to re-establish them; and on the 27th of *March* he gave up the Ghost.

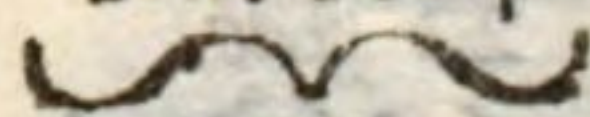
K. James his Death.

Bishop *Laud* deliver'd to the Duke of *Buckingham* these Remarks of the King's Life and Death.

Bp Laud's Remarks on him

1. His being a King almost from his Birth.
2. His great Clemency.
3. The difficult Times in *Scotland* during his Minority.
4. His admirable Patience in those Times.
5. His peaceable Entry into this Kingdom.
6. His forgiving some Occurrences.
7. His peaceable Reign.
8. The infinite Advantages People might have had thereby, if they had not made the worst use of Peace.
9. The many Deliverances he had, especially from the Gunpowder-Treason.
10. He took not away the Life of one Nobleman, but restor'd many.
11. The sweetness of his Nature.
12. 'Tis almost miraculous, that so much Sweetness should be found in so great a Heart.
13. Clemency, Mercy, Justice and Peace, were all eminent in him.
14. He was the great Peace-maker abroad, to have united *Christendom* against the *Turk*.
15. The best Master to his Servants.
16. A just Man between Parties.
17. Bountiful.
18. A great Patron of the Church.
19. The most learned Prince for matters of Religion.
20. Always Orthodox.
21. His most tender Love to his Son.
22. The Education of his Majesty that now is, to be as able a King as *Christendom* hath.
23. His Sickness, a sharp Humour set on fire, tho usher'd in by an ordinary Tertian Ague.
24. From the beginning of his Sickness he thought of his End.
25. His devout receiving the Sacrament.
26. His care for retaining Absolution in the Church.
27. His continual calling for Prayers.
28. His

An. 1624.

K. James's
Character.

Death full of Patience. 29. His Rest in *Abraham's Bosom*.

Another writes thus of him in the Book intituled, *The Reign of King Charles*: That for recondite Learning, and abstruse Knowledg, no King was so near a Match to *Solomon* as he: That he was an universal Scholar, and in Divinity transcendently eminent. A stout Adversary he was to the *Arminians* and *Semipelagians*, and but a slender Friend to the Presbytery, of whose Antimonarchical Principles he had smart Experience. He was an excellent Speaker, his Oratory being more Stately than Pedantick. In his Apparel he affected a Majestick Carelesness, and in his Religious Exercises he was somewhat too incurious and irreverent: He was a little indulgent to his Palate, and to his Favourites excessively liberal. The thought of War was terrible to him, witness the *Palatinate*: For if he had the least spark of Courage or Majestick Indignation, he would not have suffer'd his Son-in-law to be depriv'd of his Patrimony, while the *Austrian* Faction kept him in delusory Chat, or have trifled away such vast Sums in Embassies, the Moiety whereof would have rais'd an Army able to have re-instated the *Palsgrave*; or so shamefully have courted the Alliance of *Spain*: This Pusillanimity lost him the Respects of his People, as his heavy Pressures and undue Levies by Privy-Seal, and otherwise, did their Affections: The Mony being thrown away in Treaties, and upon his Minion *Buckingham*. From between this Disaffection and Contempt arose turbulent Expostulations even against his darling Prerogative, which was the Groundwork of those dismal Calamities that beset his Son, to whom he left both an empty Purse and a Crown of Thorns.

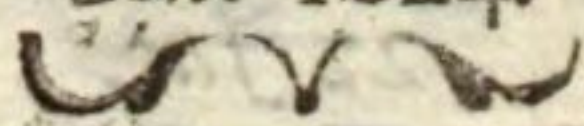
Another.

Sir *Francis Bacon* in K. *James* his Life-time made this Harangue to him. That he is struck with wonder at those his Faculties, which the Philosophers call Intellectuals: The largeness of his Capacity, the faithfulness of his Memory, the swiftness of his Apprehension, the penetration of his Judg-

Judgment, and the Facility and Order of his Elocution. That he thought his Majesty the best Instance to make a Man of *Plato's* Opinion, That all Knowledg is but Remembrance, and that the Mind of Man by Nature knoweth all things: And as the Scripture saith of the wisest of Kings, That his Heart was as the Sand of the Sea, which tho one of the largest Bodys, yet consisteth of the smallest Portions; so God had given his Majesty an Understanding to comprehend the greatest Matters, and nevertheless to apprehend the least. As for his Gift of Speech, as *Tacitus* said of *Augustus Caesar*, *Augusto profluens & quæ Principem deceret Eloquentia fuit*: So his Majesty's manner of Speech was Prince-like, flowing as from a Fountain, and yet streaming and branching it self into Nature's Order, imitating none, and inimitable by any. That there hath not been since Christ's Time, any King or Temporal Monarch so learned in all Literature and Erudition, both Divine and Humane, as his Majesty. For it seems much in a King, if he can take hold of some superficial Ornaments of Learning, or if he countenances and prefers Learned Men: But to drink of the true Fountain of Learning, nay to have such a Fountain of Learning in himself, in a King, and in a King born, is almost a Miracle; so that his Majesty stands invested of that Triplcity ascribed to the antient *Hermes*, the Power of a King, the Knowledg of a Priest, and the Learning and Universality of a Philosopher.

He that wrote the History of *Great Britain*, thus expresseth himself concerning King *James*: He was a King in Understanding, and was content to have his Subjects ignorant in many things, as in curing the King's Evil, which he let the World believe, tho he himself smiled at it. 'Tis questionable whether his Wisdom and Knowledg exceeded his Choler and Fear: But the two last were most violent, because not acquired, but natural, and extended as far as Profaneness if not Blasphemy. He had pure Notions in Concepti-

An. 1624.



on, but could bring few of them into Action. He was wont to say, *A Prince ought to be jealous rather of such whom his extraordinary Favours have advanced, than of those whom he hath discontented.* But this Rule he observed not, tho it tended to his own Preservation. Some parallel'd him to *Tiberius* for dissimulation, yet Peace was maintained by him as in the time of *Augustus*. There were bitter Satyrs against him, and every little Miscarriage was improved to the height.

There is a Book intituled, *King James his Court*, said to be written by a Knight of *Kent*, which gives a further Character of that King.

Lord Keeper's
Character of
the King.

The Bishop of *Lincoln* then Lord-Keeper, in his Sermon at King *James's* Funeral, on 1 *Kings* 11. 41, 42, 43. makes this Parallel between him and *Solomon*.

1. They were the only Sons of their Mothers.
2. Of Complexion white and ruddy.
3. Both Infant Kings.
4. Began their Reigns in the Lifetimes of their Predecessors.
5. Were twice crowned and anointed.
6. Their Minorities were rough, through the Quarrels of the former Sovereigns.
7. They were learned, *Solomon* above all the Princes in the East, King *James* above all the Princes in the World.
8. They were Writers in Verse and Prose.
9. Great Patrons to Church and Churchmen.
10. Were honoured with Ambassadors from all the Kings of the Earth.
11. Main improvers of their home Commodities.
12. Great maintainers of Shipping and Navigation.
13. They beautified their Capital Citys with Buildings and Waterworks.
14. Every Man lived in Peace in their days.
15. Towards their End they had secret Enemies, and prepar'd for a War.
16. Before any hostile Acts they both died in Peace, aged about sixty Years.
17. For their Eloquence *Solomon* had a ready Invention, and easy Expression, *Wisd.* 7. 15. so had King *James*; he would wind up the Substance of his Discourse into one maffy Conception, and then dilate it as he pleased, in a flowing and Princely kind

kind of Eloquence. His publick Speeches prove him the most powerful Speaker of all our Kings. In his Stile you may observe the *Ecclesiastes*; in his Figures, the *Canticles*; in his Sentences, the *Proverbs*; and in his whole Discourse, all that was admirable in the Eloquence of *Solomon*. The Bishop added, how powerfully he charged the Prince with the Care of Religion and Justice: How he recommended his Subjects unto his Love: Thrust into his inward Bosom his Bishops, Judges, his near Servants, and that * Disciple whom he loved in particular; and advised his Son, that if he married the Person of his future Queen, he should not marry her Religion.

* The Duke of Buckingham.

K. James in 1599. writ a Letter to Pope Clement, dated Sept. 24. and sent it by Mr. Drummond a Lawyer, with Instructions, to Rome; as also other Letters to the Dukes of *Tuscany* and *Savoy*.

In the Letter to the Pope he stiles him *most Holy Father*: Thanked him for hitherto refusing (tho importuned thereunto) to unsheath the Sword of his Authority against him: Recommends Drummond to his Holiness's Prayer, who will attentively hear what he shall deliver in his Name. And there being no better Remedy against the Calumnies of those who commemorate his Injuries done to Catholics, than that some of his Countrymen should reside at Rome, from whom his Holiness may be informed of his Affairs; he recommends the Bishop of *Vazion* for a Cardinal's Cap; saith, He desires not any of his Actions should be conceal'd; for tho he hath been bred up in the Truth of that Religion he now professeth, he conceived nothing better and safer, than to endeavour the promoting of those things which really belong to the Glory of God's Name. He referred the rest to Drummond, and subscribed himself *His Holiness's most dutiful Son*.

King James's Letter to Pope Clement.

Mr. Drummond's Instruction were, That he should most respectfully salute the Pope, Princes and Cardinals, in the King's Name, and should signify, That the King exceedingly desires to pre-

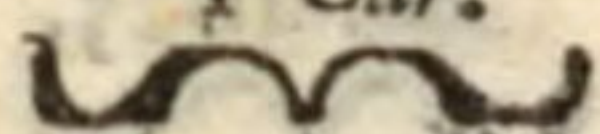
Mr. Drummond's Instructions.

serve

An. 1624.

serve Love and Amity with them; and tho he persists in his Religion, yet he thinks well of all Christians, if they continue in their Duty to God and the Magistrate; and that he never exercis'd any Cruelty against the Catholicks for Religion sake. That he should endeavour to perswade the Pope to make the Bishop of *Vazion* a Cardinal, wherein if he be successful, he (the King) will proceed further.

Histo-



Historical Collections.

Primo C A R.

ON the day the King died, the Privy Council sent to the Prince (who was retir'd to his Chamber) to know his Pleasure, whether he would then admit them; but he deferred them to next morning. *King Charles proclaimed at Theobalds Gate.* In the mean time they proclaimed King Charles at *Theobalds* Gate. Which done, the new King sent for the Lord Keeper, and the other great Officers, who came and rendered up their Offices, to which the King presently restored them. Then the Privy-Counsellors went from *Theobalds* to *Whitehall*, where the King was proclaimed: The like at *Charing-Cross*, *Denmark-House*, *Temple-Bar*, the great Conduit in *Fleetstreet*, and within *Ludgate*, where the Lord-Mayor and Aldermen joined them: And from thence they all proceeded to *Cheapside-Cross*, where the King was proclaimed again. From thence the Lords return'd, and left Order for the Lord-Mayor to go on with the Proclamation. The same day the King came to *St. James's*. *At Whitehall. In London.*

The Privy-Counsellors, and other Lords, being met by eight the next morning at *Whitehall*, a Commandment came from the King to swear all the late King's Council, Privy-Counsellors to his present Majesty, being 19 in all. The Lord Keeper first took the Oath, then gave it to the Lord President, by whom the rest were sworn. The Lord Keeper, Lord Treasurer, Lord President, and the 2 *The old Privy-Council new sworn.*
Secre

An. 1625.

Their Advice
to the King.

Secretaries took the Oaths likewise in respect of their several Offices, and the Lords who were not of the Council, repaired to St. James's and kissed the King's hand.

The Council sat immediately, and resolved upon these Particulars to be offer'd to the King: A Commission to authorize the Seals and Signet till new ones prepared. Commissions for the Judges, Justices of Peace, Sheriffs, &c. A Proclamation for continuation of all Proceedings. Letters for Ambassadors to authorize their Services. Messengers to Foreign Princes. The like Proclamation to Scotland; Commissions renewed into Ireland. The Mint to go on; a Parliament summoned: The King's Pleasure to be known concerning his Father's Funeral, where the Corps shall rest, and the time of his Majesty's Coronation. This done, the whole Council attended the King at St. James's, where the Lord Keeper in the name of the rest, thanked him for his affiance in them, in continuing them of the Privy Council; and the Lord President represented to him the Matters aforesaid, which the King allowed.

Proclamation
concerning Per-
sons in Office,
&c.

A Proclamation issued for continuance of all Officers Civil and Military in *England* and *Ireland*: And another taking notice of the late King's Death, and of his present Majesty's Accession to the Crown; and declaring, That as he shall shew himself a most benign and gracious Sovereign Lord to his Subjects, so he doubts not but they will shew themselves most loving, faithful, and obedient Subjects.

A Parliament
call'd.

The King summons a Parliament to begin the 17th of *May*: But by the Advice of his Privy Council prorogued it to the 31st of *May*, then to the 13th of *June*, and then to the 18th of *June*; which Prorogations were occasioned by the King's going to *Dover* to receive the Queen.

April 23. the Body of King *James* was brought from *Theobalds* to *London*, attended by all the Lords at Court, and other Persons of Quality, and was placed in the Hall of *Denmark-House*; and

and *May* the 7th was brought in great Pomp to *Westminster*. The King attended his Father to his Grave in the Abbey there.

I Car.

King *Charles* continued the intimacy and dear-ness between him and the Duke of *Buckingham*; a rare Example to be Favorite to two succeeding Princes.

D. of Buckingham continues a Favorite.

Bishop *Laud* delivered to the Duke at his Request a Schedule to be presented to the King, wherein the Names of Ecclesiastical Persons were written under the Letters, O for Orthodox, and P for Puritans.

Bp Laud's distinguishing Schedule.

King *Charles* began to prepare for the War designed in his Father's Life-time: And the Militia being, through the long continued Peace, decayed, the Lords Lieutenants were, by Order of Council, commanded to make a general Muster of the trained Horse and Foot, and to see to the sufficiency of the Men, Horse and Arms; and the King impowred the Lords Lieutenants to nominate their Deputy Lieutenants.

Preparations for War.

In *May* Warrants issued for a Levy of Soldiers for the Service of the *Palatinate*, whereof 8000 were to rendezvous at *Plimouth*, the Coat and Conduct-mony to be disbursed by the Country, to be repaid out of the *Exchequer*, and 2000 more to be transported to the *Netherlands* for the Service of the States; and the like number to be returned hither.

Soldiers levied for the Palatinate.

And to prevent the like Violences as were committed by Count *Mansfield's* Army in their Passage to *Dover*, a Proclamation was issued, charging the Officers and Conductors to see their Companies duly paid and provided for: And a Commission was sent to *Plimouth* for executing Martial Law upon the Soldiers, or any others joined with them, for any Offences punishable with Death by that Law.

Proclamation against their Disorders.

Martial Law.

On the 13th of *March* this Year, the Treaty of Marriage with *Henrietta Maria*, Daughter of *France*, proceeded, and the Articles were signed by King *Charles*.

Articles of the Marriage with France.

Besides

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Private Articles in favour of Catholics.

Priests pardoned.

The Marriage solemnized in France.

The Duke sent for the Queen.

The Royal Navy to transport her.

Besides the general, there were private Articles agreed upon, viz. That the Catholics imprisoned since the last Proclamation on the Breach with Spain should be set at Liberty; that they should be no more molested for Religion, and their Goods seized since the said Proclamation should be restored; and accordingly, May 10. the King granted a Pardon to twenty Roman Priests.

The Dispensation being come from Rome, the Espousals were made by Cardinal Richlieu. The English Ambassadors, the Earls of Carlisle and Holland, presented to the French King the Contract of Marriage; and the Duke of Chevereux shewed his Procuration from the King of England. The Sunday morning following the Bride was conducted from the Louvre to the Arch-bishop of Paris his House, and thence to a Theatre erected before the Frontispiece of *Nostre Dame*, where the King and his Brother consigned the Bride their Sister into the hands of the Duke of Chevereux, and the Marriage was solemnized according to the ordinary Ceremonies of that Church. Then they proceeded to *Nostre Dame*, and the Ambassadors retired into the Arch-bishop's House while Mass was said in the Church; which ended, they returned to the Church, and took their places. From thence they all came to the Hall of the Arch-bishop's House, where the Royal Feast was prepared: And to express the publick Joy, Prisoners for Debt were set at liberty, and several Criminals pardoned.

The Duke of Buckingham was sent into France, accompanied with several English Lords, to convoy the Queen. During his seven days stay at Paris, the Feastings were renewed, Bonfires shining, and Cannons playing. The French King sent to the Towns in her way, to render her all due Honours. King Charles sent a Royal Navy to Boloign to transport her.

The 12th of June the Queen embarked at Boloign, and within 24 Hours arrived at Dover, whither the King came the next morning, with the

the Nobility, and conducted her to *Canterbury*, where the Marriage was consummated the same Evening.

*1 Car.
The Marriage
consummated.*

The Queen made it her first Suit to the King, that he would not be angry with her for her Faults of Ignorance, she being young, and not knowing the Customs of the Country, and that he would use no third Person but himself to inform her what she did amiss. The King granted her Request, and thanked her, desiring her to use him so in the like case, which she promised. The Knights and Gentlemen of *Kent*, with the Trained Bands, and the Magistrates of Citys and Towns where she passed, attended her in a most solemn manner.

On the 16th of *June* the King and Queen came to *London*. A Chappel at *Somerset-House* was built for her and her Family; and her Capucin Friers were permitted to walk in their Habits. Thence forward greater multitudes of Seminary Priests and Jesuits came into *England*.

*The King and
Queen came to
London.
A Chappel
built for her.*

This Summer the greatest Plague raged in *London* that ever was known there; for which cause *Trinity Term* was adjourn'd from the first Return to the Fourth.

*A great Plague
in London.*

On the 18th of *June* the Parliament began at *Westminster*, and the King spake to both Houses, in substance as follows.

*The Parlia-
ment opened.*

He thanked God, that the Business to be treated of needed no Eloquence. That it is no new Affair, but was begun by his Father, and hopes they will go on to maintain it as freely as they advised his Father to it. Which just and glorious Work it was his Wisdom not to begin until he found Means to maintain it: But when he saw himself abused, he took their Advice; for the Assistance of those in *Germany*, the Fleet ready for Action, and the other Preparations, do sufficiently prove that his Father entred into this Action. Hopes they remember that they imploy'd him to break off the two Treaties then on foot. That it's true, he came into this Business rashly like a young

*The King's
Speech.*

An. 1625.

young Man: And it being begun by their Advice, it would be a Dishonour to him and them if it should fail for want of their Assistance: Bids them consider the season, that he must hazard their Lives if he continue them long, and they will endanger the business if they be slow in their Resolutions: Hopes therefore they will expedite what they have in hand to do. And whereas some give out that he is not so true a Maintainer of the Religion he professes; he assures them he hath been train'd up at *Gamaliel's* Feet; and that none hath been or shall be more desirous to maintain the Religion he professes than himself: That he is unfit for much speaking, and therefore will bring up the Custom of his Predecessors, to have my Lord-Keeper speak for him in most things.

Lord-Keeper's
Speech.

Then the Lord-Keeper *Coventry* declar'd, That the King's main reason of calling them, was to mind them of his great Engagements for the recovery of the *Palatinate*: That all the Treaties, Alliances, and Preparations do meet in one Center, the *Palatinate*; and the Subsidies granted last Parliament are spent therein. He recommended three things to them: 1. The timing of it; his Majesty therefore desires them to bestow this Meeting upon him, the next shall be theirs. 2. Supply. 3. The Issue of this Action: Which being the first, highly concerns his Reputation.

Sir Thomas
Crew Speaker.

The Commons presented Sir *Thomas Crew* for their Speaker, of whom the King approv'd.

Debates in the
House of Com-
mons.

In the House of Commons were various Debates: Some insisted upon the Grievances not redress'd by King *James*, others for an Account of the last Subsidies, others for putting the Laws in Execution against Priests and Jesuits, and such as resorted to Ambassadors Houses, and questioning Mr. *Richard Montague's* Book, intituled, *An Appeal to Cæsar*. But others advis'd to preserve a right understanding between the King and his People, and to express their Duty to him by giving a Supply, and therewith to offer nothing but a Petition for Religion.

Upo

Upon a Petition of the Lords and Commons, a Proclamation issued forth for a Fast throughout the Kingdom.

I Car.

A Fast.

Several Committees were appointed, and the Imposition upon Wines voted a Grievance.

Committees chosen.

A Petition of both Houses concerning Religion and against Recusants. being presented to the King, he told them he was glad they were so forward in Religion, and that they should find him as forward.

Petition concerning Religion.

Mr. *Montague* was brought to the Bar of the House of Commons for his beforenamed Book: He had 21 *Fac.* publish'd a former Book, which he nam'd *A new Gag for an old Goose*. The business was question'd in Parliament, committed to the Archbishop of *Canterbury*, and ended in an Admonition. The Bishops of the *Arminian* Party ingag'd *Montague* to publish this second Book, attested by their joint Authorities, which afterwards they withdrew by Subtilty: The Archbishop sought to suppress it, but it was printed and dedicated to King *Charles*. The Commons voted his Book to be contrary to the Articles of Religion, and to the King's Honour, and took Bond for *Montague's* Appearance; but the King intimated to the House that *Montague* was his Chaplain, and he had taken the matter into his own hands, which displeased the Commons.

Mr. *Montague* brought to the Bar.

His Book dedicated to the King.

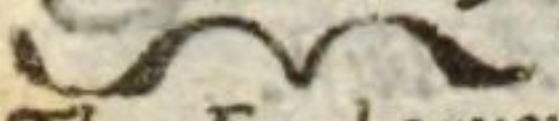
Who takes the business into his own hands.

The Lords and Commons presented the King with two Subsidies: The Lord *Conway* told them the King accepted them, but the present Affairs requir'd their further Counsels: That the late King was provoked beyond his Nature to undertake a War; that the Charges thereof amount to 700000 *l.* a year to support the *Netherlands*; and to prevent the Emperor's Designs in *Germany*, he levied an Army under Count *Mansfield*, the King of *Denmark* another; and to uphold the *Netherlands*, the Charge of *Mansfield's* and *Denmark's* Armies must continue. The Plague increasing, the King adjourn'd the Parliament to *Oxford*, to re-assemble the first of *August* following.

Two Subsidies given the King.

Who accepts them, and desires more.

The Parliament adjourn'd to *Oxford*.

An. 1625.

 The Exchequer
 remov'd to
 Richmond.
 The Vanguard,
 and seven other
 Ships imploy'd
 against Rochel.

ing. The Receipt of the *Exchequer* was remov'd to *Richmond*, and all Fairs within fifty Miles of *London* prohibited.

King *James* during the Marriage-Treaty with *France*, had promis'd to lend some Ships to the *French* King to be imploy'd only against *Genoa*; but the Protestants of *France* intimating their suspicion, that the design was to fall upon the *Rochellers*, and others of their Religion, K. *James* directed that the greater part of those that serv'd in the Ships should be *English*: Accordingly the *Vanguard*, a principal Ship of the Royal Navy, and seven Merchant Ships of great Burden and Strength, were commanded to the Coasts of *France*. Captain *John Pennington*, Admiral of this Fleet, presented to the Duke of *Buckingham*, Lord High Admiral, his Exceptions to the Contract between his Majesty and the *French* King, chiefly for that they were to fight at the *French* King's Command against any Nation except their own, and the *French* might put aboard them as many as they pleased. The *Vanguard* arriv'd at *Diep*, but the rest lingred behind; and Capt. *Pennington* receiv'd Letters from the Duke, and a Warrant from Secretary *Conway* to deliver up the Ships to whom the *French* King should appoint, with a Letter from the *French* King, willing him to receive his Admiral the Duke of *Montmorancy*, and join with his Fleet against his Rebellious Subjects. But *Pennington* refused without a more clear and express Warrant; and the Souldiers and Mariners grew into such a fury, that they got up their Anchors and set sail for *England*, refusing to fight against their own Religion. When he came to an Anchor in the *Downs*, he advertised the Duke of what had hapned, and crav'd further Direction. All this while the Body of the Council knew of no other design than that of *Genoa*: But the King sent strict Orders to *Pennington* to deliver up the *Vanguard* to the Marquess *d'Effiat*, and to require the seven Merchant Ships to put themselves into the Service of the *French* King, or in case of

of refusal to compel them thereunto, or to sink them; whereupon *Pennington* return'd to *Diep*, and put the *Vanguard* into the absolute Power of the *French* King, and commanded the rest of the Fleet to surrender: At first they refused and were making away; but when *Pennington* shot they all came in, except *Sir Ferdinando Gorge*, who came away with the *Neptune*: All the Companies of the Ships unanimously declin'd the Service except one Gunner. The Ships were imploy'd against *Rochel*.

The Parliament re-assembled the first of *August* at *Oxford*, and several Grievances were under debate in the House of Commons, and a Committee was appointed to examine the business of *Mr. Montague*; whose Cause was recommended to the Duke by the Bishops of *Rocheſter*, *Oxford* and *St. David's*, as the Cause of the Church of *England*. They alledg'd that some of the Opinions in his Book are the resolved Doctrines of this Church, and others Scholastical Points, wherein Learned Men are to be left at their liberty: That matters of Differences in the Church ought to be determin'd only by the King and the Bishops in a National Synod: That King *James* approv'd of the Opinions in this Book, and the contrary Opinions were only countenanced at the Synod of *Dort*, which was of another Nation: But others of eminent Learning were of a different Judgment from those Bishops. At *Oxford* in a Divinity Disputation about the point of falling from Grace, the Opponent urging the Appeal to *Cæſar*, the Doctor of the Chair handled the Appellator very roughly, and admonish'd the *Junior's* to be wary of that and the like Books.

The Parli-
ment meets at
Oxford.

Mr. Monta-
gue's Cause re-
commended to
the Duke by
three Bishops.

His Appeal
censur'd at Ox-
ford.

August 4. Both Houses attended the King in *Christ-Church* Hall, who told them, That by their Advice his Father broke off the two Treaties with *Spain*; that they then well foresaw a War was likely to ensue; and as they had led his Father into it, so their Assistance should not now be wanting: That the Aid they gave being three

The King's
Speech.

An. 1625. Subsidies and three Fifteens, was receiv'd by the Treasurers, and disburs'd by the Council of War appointed by themselves: That upon his Father's death he assembled them, to be enabled by their Advice and Aid to proceed in what by their Counsels his Father was engag'd in: That the two Subsidies they gave him are yet ungather'd, tho the Mony taken up before-hand, and already disburs'd, and far short to set forth the Navy then preparing, the Account of the Charges whereof should be given them.

Lord Conway
and Secretary
Cook declare
the present
State of
Affairs.

Then the Lord Conway and Sir John Cook by the King's Command declar'd to them, That King James at the Suit of both Houses, and by the powerful Operation of his present Majesty, consented to break off the two Treaties with Spain, and to vindicate the Wrongs and Scorns done to him and his Children: That he consider'd how unapt his own People were for War after so long a Peace, the difficulty of uniting with other States; that the Duke of *Bavaria* was possess'd of the *Palatinate*, most of the Electors and Princes had join'd with him, the Estates of the rest were seiz'd; that the Emperor had call'd a Diet to extinguish all hopes of the *Palatine's* being restor'd. In *France* the King was sheathing his Sword in the Bowels of his own Subjects. In the *Low-Countries* the *Arminians* prevail'd, who inclin'd to the Papists; and his Majesty was forc'd to send 6000 Men thither, and sought an Alliance with *France*: That *Denmark*, *Sweden* and the *German* Princes refus'd to join till they saw his Majesty first in the Field: That the Charge of an Army appear'd in Parliament to be 700000 *l. per annum*, besides the Fortifications here and in *Ireland*, and the Navy: That hereupon an Army was committed to Count *Mansfield* (whereof the Charge was 70000 *l. per month*) and his Majesty commanded the preparing of this great Fleet; which Army (tho unfortunate) produced these Effects: 1. It prevented the Diet intended by the Emperor. 2. The *German* Princes gain'd new Courage. 3. The King

King of *Denmark* hath rais'd an Army, with which he is march'd in Person. Moreover the Confederates of *France* and *Italy* have prosecuted a War in *Milan*, and the *French* King hath made Peace with his Subjects: That the last Subsidymony was already disburs'd: A Fleet is now at Sea; and the King is advis'd of Designs to infest *Ireland*, and our Coasts; the present Charge of all which amounts to 400000 *l.* and the King leaves the whole to their Considerations.

Then the Lord-Treasurer added, That the late King was indebted to the City of *London* 120000 *l.* besides Interest, for *Denmark* and the *Palatinate* 150000 *l.* and for his Ward-robe 40000 *l.* That his present Majesty is indebted to *London* 70000 *l.* hath laid out for his Navy 20000 *l.* and 20000 *l.* for Count *Mansfield*; for Mourning and his Father's Funeral 42000 *l.* for Expences concerning the Queen 40000 *l.* And to set forth the Navy and pay them for the time intended for this Expedition, will cost 300000 *l.*

Lord Treasurer proceeds.

Upon this the Commons fell into high Debates touching the misemployment of the Treasury, and the King's being guided by ill Counsels; alledged that this Parliament was not bound by another to be carried blindfold, where sound Counsels were wanting; and Subsidies upon Subsidies were unusual. They reflected upon the Duke as to the Match with *Spain*, and that with *France*, and other Particulars; reasum'd the business of *Montague*; resolv'd that Religion should first be debated, next the Kingdom's Safety, and then Supplies: That the King be desir'd to give his Answer in full Parliament to the Petition for Religion, and concerning the Imposition on Wines: That they inquire whither the new Fleet and Army were intended, of 140000 *l.* at least given for Places; and if the Mony design'd for the *Palatinate*, did not maintain the Ships lent against *Rochel*: That the King ought to contribute with his own Estate to help the *Palatinate*.

High Debates in the House of Commons.

Soon after, the Commons at a Conference desired the Lords to join with them in representing

Complaints of Papists being to favour'd.

An. 1625.

to the King, That notwithstanding his Majesty's Answer as well by himself as by the Lord-Keeper to their Petition concerning Religion, which assured them of his performance; his Majesty on the 12th of July last granted a Pardon to *Alexander Baker* a Jesuit, and ten other Papists, which (as informed) was gotten by the Importunity of some Foreign Ambassador, and recommended by the Principal Secretary of State to pass without Payment of Fees; which Pardon bears date the next day after his Majesty's Answer to their Petition by the Lord-Keeper, and dispenses with the Laws of 23 and 27 *Eliz.* and 3 *Jac.* provided to keep the Subjects in due Obedience. And one *Mary Estmonds* in *Dorsetshire* being committed by two Justices of Peace for refusing the Oath of Allegiance, the Principal Secretary wrote to the two Justices in her favour. To this the Lord *Conway* answer'd, He ever hated the Popish Religion; that the Pardon was granted before the King's Answer to the Petition, tho dated afterwards; that the King commanded the passing of it without Fees, and commanded him to write the Letter in favour of *Estmonds*.

The Petition
concerning Religion,
with the
King's Answer.

The King sent for the Houses to receive his Answer to their Petition concerning Religion: The substance of the Petition, and Answer, is as follows.

That nothing can more establish the Throne, or the Peace and Prosperity of the People, than the Unity and Sincerity of Religion: That they hold themselves bound to represent to his Majesty the dangerous Consequences of the increase of Popery, what are the principal Causes, and what the Remedies.

The Dangers: 1. Their desperate Ends, the Subversion of Church and State. 2. Their dependance upon Foreign Princes. 3. The opening a way of Popularity to any Head of their Party.

The principal Causes of the increase of Papists: 1. The want of the due Execution of the Laws against them. 2. The interposing of Foreign Princes

Princes in their Favour. 3. Their great Concourse to the City. 4. Their Resort to Ambassadors Houses and Chappels. 5. The Education of their Children in Foreign Parts. 6. The Peoples want (in some places) of being instructed in the True Religion. 7. The printing and dispersing of Popish Books. 8. The putting of Men ill-affected to Religion in Places of Government.

The Remedies.

1. That the Youth be educated by able and religious Schoolmasters, who shall catechize and instruct them in the Principles of True Religion. That care be taken in the choice and admission of Schoolmasters, and the Ordinary to remove the Faulty, or justly suspected.

His Majesty's Answer was to this effect.

This is well allowed of; and Letters shall be written to the two Arch-bishops, and by them to the Ordinaries, to see this done.

2. That the Discipline of the Universities be restored. *Ans.* Approved; and the Chancellors there shall be required to cause due execution of it.

3. That his Majesty advise his Bishops, by fatherly Treaty, and tender Usage, to reduce to the Service of the Church such able Ministers as have been formerly silenced; and that Nonresidences, Pluralities and Commendams may be moderated: thanking his Majesty for diminishing the number of his Chaplains, the Universities being full of Ministers unfurnished of Livings.

Ans. This his Majesty likes well, so as it be apply'd to Ministers conformable to the Church-Government: For Pluralities there are no Dispensations now granted, and none is allowed above two Benefices, and those not above thirty miles distance: For Non-residence the Canon shall be put in execution, Commendams shall be sparingly granted. And he recommends to the Parliament, that every Parish allow their Minister a competent Maintenance, and Impropriators al-

An. 1625.

low a sufficient Stipend for preaching Ministers.

4. That Provision be made against transporting *English* Children to the Seminaries beyond the Seas; for recalling those already there, and for punishing the Maintainers of such Seminaries and Scholars. *Ans.* The Law shall be put in execution. The Ports shall be strictly watch'd, and Searches made. A Proclamation shall issue to recal such Children by a Day, and such Maintainers shall be punish'd according to Law.

5. That no Popish Recusant come within the Court, unless called by his Majesty upon special occasion, agreeable to 3 *Jac.* And that his Majesty's Order, that no such, being his natural Subjects, should be admitted into the Queen's Service, may be observ'd. *Ans.* If there be any concourse of Recusants to the Court, the Laws shall be pursued. And none of his Subjects who are Popish Recusants shall be admitted into the Service of him or his Queen.

6. That the Laws against Jesuits and Popish Priests be put in execution, and a day prefixed by Proclamation for their departure, and against entertaining or concealing them. That Papists imprisoned be restrained from Conference with others; and no Papist to be Keeper of a Prison. *Ans.* Granted.

7. That none by Authority from *Rome* confer Ecclesiastical Orders upon his natural Subjects. *Ans.* It shall be so order'd by Proclamation.

8. That his Majesty's Learned Counsel may consider of former Grants of Recusants Lands, that where the Recusant receives any Benefit, they may be avoided. *Ans.* The King will give such order to his Learned Counsel.

9. That he command the Judges, Ecclesiastical and Temporal, to cause the Laws against Popish Recusants to be duly executed, and the Censure of Excommunication declar'd and certified against them, and no Absolution without Conformity. *Ans.* His Majesty leaves the Laws to
their

their course, and will do in the Point of Excommunication as desired.

10. That his Majesty will remove from Places of Authority Popish Recusants, and those justly suspected. *Ans^w. Granted.*

11. That Popish Recusants convicted, or justly suspected, be disarm'd. *Ans^w. The Laws shall be put in execution.*

12. That such Recusants retire from *London* to their several Countries, to remain confin'd within five Miles. *Ans^w. For this the Laws shall be executed.*

13. That his Majesty's Order prohibiting his natural Subjects to repair to the hearing of Masses, or other superstitious Service, may be continued and observed, and the Offenders punish'd. *Ans^w. Granted.*

14. That all Insolencies that any Popishly affected have lately committed, or shall commit to the dishonour of our Religion, may be exemplarily punish'd. *Ans^w. Granted.*

15. That the Statute of 1 *Eliz.* for paiment of Twelve-pence every *Sunday*, by such as shall be absent from Church, may be put in execution, the Penalty being not to be dispensed with, because given to the Poor. *Ans^w. This Statute shall be executed, and not dispensed with.*

16. That the like course for Religion extend to *Ireland*. *Ans^w. Granted.*

They added, That the Answer of his Father upon the like Petition did give them hopes; but his Majesty's Promises in that kind do give them assurance of Reformation.

And it was intimated to the Commons, That the King would have done the same things tho they had not petition'd him; That what he had done was out of Conscience and Duty to his Father, who recommended to him the Queen's Person, not her Religion.

The Duke signify'd to both Houses, that by the King's Command he was to give an Account of the Fleet; told them, That when he spoke there

The Duke gives both Houses an Account of the Fleet, and other Matters.

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to them of the *Spanish Treaty*, he was honour'd and applauded, and hopes he shall be no less acceptable now. He assur'd the House of Commons, that if any Man speak in discharge of his Conscience, he (knowing their Justice, and his own Integrity) shall not apply it to himself. And that he chose to speak by way of Objection and Answer.

Object. 1. *By what Counsel were those Designs and Actions of War carried on?*

Ans. By the Counsel of the Parliament according to the Act of both Houses, 23 of *March 1623*. That his late Majesty finding a necessity for a Royal Navy, but having neither Money nor other Preparations for it, writ to him (the Duke) from *Newmarket*, that he (the Duke) and his Friends must begin to lay out the Money; and no doubt others would follow, and by this means the King might lie the longer undiscover'd in the Enterprize. That thereupon he (the Duke) had laid out 44000 *l.* and the Treasurer of the Navy at his Request 50000 *l.* That he had therein the Advice of the Lords *Conway*, *Chichester*, *Grandison* and *Carew*, and Sir *Robert Mansel*, and Sir *John Cook*, and did nothing without them; and afterwards the Business and Account were imparted to all the Lords of the Council, and allowed by them (this Sir *John Cook* justified to be true): That upon his Journey into *France*, the King, at his Request, recommended the Business to a select Council.

Object. 2. *Why did not his Majesty declare the Enemy presently upon granting those 3 Subsidies?*

Ans. For three Reasons. 1. The Enemy would have been more prepared. 2. *Spain* being the Enemy, our Merchants Goods would be im-bargoed. 3. Our Friends would have found us too long unprepared after our Declaration.

Object. 3. *Whether a considerable Sum be yet required?*

Ans. Forty thousand pounds is yet necessary; but the King is exhausted, his Treasure anticipat-
ed,

ed, his Lands pawned, his Plate offered to be pawned, and yet his Majesty must be maintained.

I Car.

Object. 4. *Why was not this want of Money foreseen?*

Ans. It was foreseen, but interrupted by the King's Death, the Funeral, the Journey into France, and the Marriage. The King declared it at the opening this Parliament, and thought the two Subsidies had been only to welcome him to the Crown.

Object. 5. *Who gave his Majesty Counsel to convene this Parliament when the Sickness was so spread?*

Ans. His Majesty commands him to say, It was mere Necessity for setting forth the Navy.

Object. 6. *Is not the Year too far spent for the Navy?*

Ans. The King answered this, better half the Navy perish than not go forth, it would argue such want of Counsel, Courage, and Experience, and such Beggerliness: But now the Season of the Year suits with the Design.

Object. 7. *Whether the eight Ships employ'd against the Rochellers were not paid with the Subsidy Money?*

Ans. They were employed at the French King's Charge: But Kings are not to give account of their Counsels.

Object. 8. *Whether the Terms of the Match with France be not harsher than those with Spain?*

Ans. The Answer to their Petition will shew the contrary.

Object. 9. *Did not the Duke break the Treaties with Spain out of Malice to Olivares?*

Ans. He had no cause to hate Olivares, out of whose hands came the Papers, whereby he gained the Love of this Nation. That he is not vindictive, but could forgive one of our own Nation who cooperated with Olivares.

Object. 10. *The Duke speaks of immense Sums to be allowed our Allies, which the Kingdom is not able to bear.*

Ans.

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Answ. Make the King chief of the War by a Diversion, and it will more advantage our Allies than 100000 *l.* per Month; for without that 'tis impossible to make a Conquest, the King of *Spain* being so strong by Land. And by this kind of War we send away no Coin.

Object. II. *But where is the Enemy?*

Answ. Make the Fleet ready, and the King bids them name the Enemy. Put the Sword into the King's Hands, and he will improve it to their Advantage; and Letters of Mart shall not then be denied them.

Which occasions variety of Opinions.

This Discourse of the Duke produced variety of Opinions in the House of Commons: Some were for giving the King a present Supply; Others were for representing to the King how his Designs might be better manag'd, the King of *Spain* infested at a less Charge, and we better secured from Papists at home, whose Estates ought to contribute; and the great Sums given for Honours and Offices, would go far in setting forth a Fleet.

The King's Message to the Commons.

Next day the King sent a Message to the Commons, desiring them to lay aside all other Considerations, and give him a present Answer about Supply, his Affairs requiring dispatch, and the time of the Year far spent. That if the Plague should happen among them, or in the Navy, the Action would be lost. If he can have no Supply, he will shift for himself; offers they shall meet again in Winter. That this is his first Request.

Debates thereupon.

Hereupon some pressed the giving two Subsidies, and two Fifteens, and urg'd the Necessity of it. Others said, Necessity is an Evil Counsellor; that they that have brought such a Necessity upon them, ought to answer it. That 18 *H. 3.* when Subsidies had been already granted, there was one punished for pressing for more.

The Commons Declaration.

At length a Declaration was unanimously agreed unto by the House, and sent to the King, in which they declare they will continue Loyal Subjects

jects, and will be ready in convenient time, and in a Parliamentary way, to discover and reform Grievances, and to afford all necessary Supply to his Majesty; beseeching him to rest assured of their true and hearty Affections, and to esteem the same to be (as it is) the greatest Reputation and Security a just King can have, and to account all such Slanderers and Enemies of the Commonwealth that shall dare to say the contrary.

But the King, perceiving the House resolved against Supply without redress of Grievances, and in their Debates to reflect upon some Persons near him, on the 12th of *August* dissolved the Parliament by Commission, having first passed seven publick and two private Bills. *The Parliament dissolved.*

The King pursued his Design of War, resolving the Fleet should suddenly put to Sea; and entred into a League with the *United Provinces*, against the Emperor and King of *Spain*, for restoring the Liberties of *Germany*; and the Duke of *Buckingham* and Earl of *Holland* were sent to the *Hague* to conclude the same. *The King follows his Design of War.*

The King by Proclamation commanded the Return, by a prefixed day, of such of the Children of his Subjects as were breeding up in Seminaries and Popish Schools beyond the Seas. And that no Bishop, Priest, or other, having taken Orders by Authority from *Rome*, do confer Orders, or exercise Ecclesiastical Function or Jurisdiction towards the King's Subjects; and a Day was prefix'd for the departure of such out of the Realm. *Proclamation to recal the Children of Recusants.*

In the late King's Time several of his Subjects had, by publick Permission, betaken themselves to the Service of the Emperor, King of *Spain*, and Arch-Dutchess: But the King now, by the Advice of his Privy Council, recall'd them home, that they might not fight against their Countrymen, who were imploy'd by the States, and on the behalf of the *Palatine*. *Soldiers recalled.*

The Dissolution of the Parliament preventing the Act of Subsidies, the King got Supplys by bor- *The King's Letter to the Lieutenants about the Loan.*

An. 1625. borrowing of the People. To this end he writ Letters to each of the Lords Lieutenants of the Counties, to this effect;

That it hath been usual for the Princes of this Realm to borrow Money of their Subjects to supply the publick Occasions. Desires he would make Collections of as many Persons Names within his County, as are able to furnish him (the King) and to return in a Book their Names, Dwellings, and the Sums he thinks they can spare; that Privy Seals may be directed to them: And that he advise with his Deputy Lieutenants therein; but not to deal with any Nobleman or Clergyman. That he return the Certificates within twenty days.

Privy Seals.

The Letters under the Privy Seal directed to particular Persons, were in substance as follows. That the Princes of this Realm have, upon extraordinary Occasions, resorted either to the general Contributions of their Subjects, or to the private Helps of some in particular, by way of Loan. In the former course he (the King) doubts not of his Peoples Affection, when they shall again assemble in Parliament; but for the present he is forced to proceed in the latter Course for supply of Treasure for publick Services not to be deferred. That this being the first time he (the King) hath required any thing in this kind, he doubts not he will shew his good affection, especially seeing the Sum required (which is) is that which few Men would deny a Friend. Promises repayment within eighteen Months, and requires it within twelve Days after the receipt of this.

The Collectors of this Loan were appointed to pay it into the *Exchequer*, and to return the Names of the Refusers.

Orders for disarming Recusants.

Amidst those Preparations for War, the Privy Council issued out Orders for disarming Popish Recusants, declaring their Boldness and Impudence in being offended with the Satisfaction his Majesty gave both Houses of Parliament in the Points

Points concerning the conservation of True Religion ; and that 'tis doubted that many of them are inclined to take part with such who practise to raise Stirs and Tumults, their Pretence being Religion, but their Ends Conquest, push'd thereunto by their unlimited Ambition of a general Monarchy. That altho they believe many of his Majesty's Subjects, *Roman* Catholicks, are well-affected to him ; yet because they cannot distinguish between the Good and the Bad, they have seconded his Majesty's Inclination to take out of the Possession of all *Romish* Recusants, convicted, or justly suspected, their Ammunition and Arms to be safely kept, but the Property to be in the Owners.

The Council directed their Letters to thirteen Lords Recusants, to deliver up their Arms accordingly. And being informed from the Lords Lieutenants, that there was great and unaccustomed resort to the Houses of Papists, they authorized the Lords Lieutenants to inquire into the Reasons and Occasions of such Assemblies ; and whether there were any preparations of Arms, or other Practices among them.

The Fleet was got ready, and ten Regiments designed for this Expedition. The Duke not going in Person, Sir *Edward Cecil* commanded in chief, and was created Viscount *Wimbleton*. In the choice of the Officers, Sir *Robert Mansel* an experienced Sea-commander was neglected.

At this time the *Ld Cromwel* wrote a free Letter to the Duke, That they talked of a Parliament, which when it came it would surely discontent the Duke : That it's much wondred at, since the King gave such large Gifts to the Dutchess of *Chevereux*, a small Sum should be called for in the Parliament. That let the Parliament sit when it will, begin they will where they ended. They say the Council knew nothing of this Fleet : That 'tis a great Burden his Grace takes upon him, since none else knows any thing, which 'tis conceived may ruin him. That they say not one grave

Letters to 13
Recusant
Lords.

Concourse of
Papists.

Viscount Wim-
bleton Com-
mander in chief
in the Cadiz
Voyage.

Lord Cromwells
Letter to the
Duke.

An. 1625. grave Man hath his Ear but the Lord *Conway*. That if he goes not with the Fleet, it will be the worse for him, however it succeed; if well, 'tis no act of his; if ill, that it might have been better had not he guided the King.

Earl of Warwick secures Harwich and Langer-Point. There being a Report that the *Spaniards* would land in *Essex*, the Earl of *Warwick* with 3000 of the Trained-Bands secured *Harwich* and *Langer-Point*: But upon blocking up of *Dunkirk* by the *English* and *Dutch* Ships, the trained Bands were dismissed. Soon after the Council being informed that the *English* and *Dutch* Ships were dispersed by a Storm, and 22 Men of War from *Dunkirk* put to Sea with 4000 Landmen, the Trained Bands were ordered to be in a readiness, and notice thereof was sent into *Ireland*.

The Spanish Fleet put to Sea.

The Voyage to Cadis.

In *October* the Fleet set sail from *Plimouth* for *Spain* (the Earl of *Essex* being Vice-Admiral) consisting of 80 Ships, great and small, wherein there were 5691 Seamen, and 10038 Landsoldiers, divided into ten Regiments, whereof the Duke of *Buckingham*, Lord *Wimbleton*, Sir *William St. Leger*, Sir *John Burroughs*, Lord *Valentia*, Earl of *Essex*, *Harwood*, Sir *Charles Rich*, Sir *Edward Conway*, and were Colonels. The Fleet found in the Bay of *Cadis* the *Spanish* Shipping, which they might have easily taken. This was neglected, or attempted preposterously. Then the Army landed, and Sir *John Burroughs* took a Fort, where the Soldiers finding good store of Wines, abused themselves, and hazarded the ruin of all. So they were all shipped again and put to Sea, intending to have waited for the *Spanish* Fleet; but by reason of a general Contagion, returned home with Dishonour in *November* following.

The Design miscarries.

Ld Wimbleton questioned.

The General for some time was not admitted into the King's Presence; was accused by some of the Colonels and Seamen, and examined before the Council, where he laid the Fault upon others, but no body was punish'd.

A Proclamation issued, that none of the Soldiers of the Fleet should depart from their Colours, or be discharged till further Order: So they were kept on foot, and quartered in several Places.

1 Car.
The Soldiers commanded not to disband.

All Trade with any of the Dominions of the King of Spain, or Arch-dutchess, was prohibited on pain of confiscation of Ship and Goods; and no Ship of sixty Tuns, or above, was to put to Sea, unless the same was furnished with Muskets and Bandaliers for half the Company, and Ammunition proportionable. And several Low-Country Soldiers were assigned to teach the Trained Bands the use of their Arms.

Trade with Spain prohibited.

Trained Bands exercised.

The Plague continuing, a great part of Michaelmas Term was adjourned; and then the residue thereof was adjourned from Westminster, together with the Receipt of the Revenue from Richmond to Reading in Berkshire. In which Term a Commission issued for executing the Laws against Recusants, which with the pricking Sir Edward Cook, and other Gentlemen, Sheriffs, who had appeared in Parliament against the Duke, and could not be chosen when Sheriffs, gave hopes of a new Parliament.

Part of Mich. Term adjourned.

Several late Parliament Men pricked Sheriffs.

In December, by Order of Council, reciting, That Sir Edward Cook, High Sheriff of Bucks, having taken Exceptions to four Articles of the Oath usually taken by Sheriffs, and the Judges having reported that they found no cause to alter the said Oath, save only in one of the said Articles hereafter mentioned: Their Lordships ordered, according to the unanimous Advice of all the Judges, and his Majesty's Pleasure signified therein, That the Article for destroying and making to cease all Heresies and Errors, called Lollaries, and for assisting, helping, favouring, and maintaining all Ordinaries, and Commissioners of Holy Church, be left out of the Oath to be given to Sir Edward Cook, or any High-Sheriff thereafter; but the said three other Articles to stand.

Sir E. Cook's Exceptions to the Sheriffs Oath.

During

An. 1625.

Lord-Keeper
Williams in
disgrace.

A Parliament
summoned :
Recusants to be
excommunica-
ted.

Preparations
for the King's
Coronation.

Writs for re-
ceiving the Or-
der of Knight-
hood.

A Thanksgiving
for assuaging
the Pestilence.

Number of those
who dy'd.

During the Parliament at *Oxford*, the Bishop of *Lincoln* had told the Duke he was engag'd to endeavour the redress of the Peoples Grievances, and was resolv'd to stand upon his own Legs. If that be your Resolution (said the Duke) look you stand fast; and so they parted; and shortly after the Bishop was sequestred from the King's Presence, the Council Table, and the Custody of the Seal. The Bishop address'd to the King for his Favour: But the Seal was the 30th of *October* given to Sir *Thomas Coventry*.

The King summoned a Parliament to meet in *February*, and injoin'd the Bishops to proceed against Popish Recusants by Excommunication and other Censures, and to endeavour to unmask those disaffected to Religion, tho no professed Papists; and by Proclamation requir'd all convicted Papists to remain confin'd to their dwelling-places, or within five Miles, unless specially licensed: And Bishop *Laud* understanding from the Duke that the King intended to leave *Montague* and his Cause to the Parliament, cry'd out, That he saw a Cloud arising and threatening the Church of *England*.

The King in order to his Coronation, by Commission under the Great Seal, authorized several Lords to receive and determine the Claims exhibited of Services then to be perform'd: and authorized the Earls of *Arundel* and *Surry*, to perform on his behalf the Ceremonies for the Creation of Knights of the *Bath*. At the same time the Sheriffs in *England* and *Wales* were by Writ commanded to make Proclamation, That all Persons having had for three years last 40*l.* per annum in their hands, or for their use, should by the 31st of *January* present themselves to receive the Order of Knighthood.

Upon asswaging the Pestilence, a Thanksgiving was appointed according to a Form composed by the Bishops; and the restraint of the Citizens from resorting to Fairs was taken off. The number of those that died this year in *London*, and the nine
Out-

Out-Parishes, from Decemb. 16. 1624. to Decemb. 15. 1625. was 54265. whereof of the Plague 35417.

1 Car.

On *Candlemas*-day King *Charles* was crowned; *The King's Co-*
Bishop *Land* compiled the Form, and perform'd *ronation.*
the Solemnity instead of the late Lord-Keeper
Williams Dean of *Westminster* (who was under
the King's Displeasure): Mr. *John Cosens* (as
Master of the Ecclesiastical Ceremonies) kneeled
behind the Bishop, and directed the Quire when
to answer. The Ceremonies of the Coronation
were as follow.

The King was attended to the Abby-Church
by the Aldermen of *London*, 80 Knights of the
Bath, the King's Council, the Judges, Barons,
Bishops, Viscounts and Earls two by two before
the King uncover'd; then the Officers of State
carrying the *Regalia*, the Lord-Mayor the
short Scepter, and two Bishops the Communion-
Plate; then next before the King the Earl of
Arundel, Earl Marshal, Duke of *Bukingham*, Lord
High-Constable; the King clothed in white Sat-
tin with a rich Canopy, and a Train of Purple
Velvet. Bishop *Land* delivered him *Edward* the
Confessor's Staff; and the Archbishop of *Canter-*
bury presented him to the People, who gave their
Consent. After Sermon the King took the Coro-
nation-Oath, viz. That he would keep and con-
firm the Laws and Customs granted the People
by the Kings his Predecessors, and particular-
ly the Laws, Customs, and Franchises granted to
the Clergy by *St. Edward*; that he would keep
Peace and Agreement to God, Holy Church,
Clergy and People, cause Law, Justice and Discre-
tion to Mercy and Truth to be executed, and
hold and keep the Laws and rightful Customs
which the Commonalty of his Kingdom have, and
would defend and uphold them; that he would
pardon, and grant, and preserve to the Clergy
and their Churches all Canonical Privileges, and
do Law and Justice, and protect and defend them,
as every good King in his Kingdoms ought to be

Coronation
Oath.

An. 1625.

a Protector and Defender of the Bishops and the Churches under their Government. After the Oath, the King was placed in the Chair of Coronation, was anointed by the Archbishop, had the Robes of King *Edward* the Confessor put upon him, the Crown of King *Edward* put upon his Head, and his Sword girt about him: Afterwards he was conducted to the Throne, and an Exhortation was read to him, That he should stand and hold fast the Place deliver'd to him by the Authority of the Almighty God, and by the hands of all the Bishops and Servants of God: That as he saw the Clergy come nearer to the Altar than others, so he should remember that (in all places convenient) he give them greater Honour; that the Mediator of God and Man may establish him to be a Mediator betwixt the Clergy and the Laity.

Then the Nobility did their Homage, and the King by the Lord-Keeper offer'd a free Pardon to such as would take it out under the Great Seal.

The Bishop of *Lincoln* having not receiv'd his Writ of Summons to the Parliament, tho denied to no condemn'd Peer in K. *James's* Reign, represented the same to the King, and beseeched him to mitigate the Duke's causless Anger towards him; and that in his absence in this Parliament, no use might be made of his Majesty's sacred Name, to wound the Reputation of a poor Bishop.

The King's 2d
Parliament
begun.

February 6. The second Parliament of King *Charles* began; and the King being plac'd in his Throne, and the Lords and Commons present, the King refer'd them to the Lord-Keeper, who told them:

Lord-Keeper's
Speech.

That if they rightly consider'd that incomparable distance between the supreme Height and Majesty of a Mighty Monarch, and the submissive Awe and Lowliness of a Loyal Subject, they could not but receive exceeding Contentment in the Constitution of this highest Court, wherein not only the Prelates, Nobles, and Grandees, but the Commons have their part, and that high Majesty doth

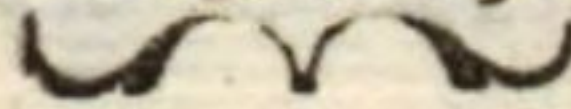
doth descend to admit the humblest of his Subjects to Conference and Counsel with him: That they ought to bless God, who hath put the Power of assembling Parliaments in the hands of him, whose Virtue striveth with his Descent, whether he should be a greater King, or a better Man: That before his access to the Crown he shewed his Love to Parliaments, and interceded with his Father with happy success: That after he was King, the first thing he did was to call a Parliament; and no sooner did the destroying Angel forbear his deadly strokes, but he resolv'd to recal it; and his Love hath caus'd him so to do: That considering the late spreading Mortality, and his Majesty's pressing Occasions, wherein the Safety of this Kingdom is so much concern'd, the same Affection that mov'd him to call this Parliament, doth forbid him to prolong the sitting of it: And as his Majesty resolves to confine this Meeting to a short time, so he hath confin'd him to a short Errand, and that is, That his Majesty hath call'd them together to consult and advise of provident and good Laws, profitable for the Publick, and fit for the present Times and Actions; for upon such depends the assurance of Religion and Justice: And his Majesty succeeding so many Religious and Renowned Princes, would begin his Reign with some Additions to those good Laws which their happy and glorious times have afforded. His Majesty therefore desires they will apply themselves thereunto.

Wednesday following the Commons presented Sir *H. Finch* for their Speaker, who being approv'd of by his Majesty, spoke thus: That after his Majesty's Royal Approbation, he should neither disable nor undervalue himself, since they all stand for hundreds and thousands, for Figures and Cyphers, as his Majesty the Supreme and Sovereign Auditor shall please to place and value them, and like Coin are made current by his Royal Stamp and Impression; but that he should apply himself to the performance of that weighty Charge: That we live

Sir Hennage Finch chosen Speaker.

His Speech.

An. 1625.



under a Monarchy, the best of Governments; our Laws (as our Climate) temperate, yielding a due observance to the Prerogative, and yet preserving the Rights and Liberty of the Subject; which is what *Tacitus* said of two of the best Emperors, *Res olim insociabiles miscuerunt, Imperium & Libertas*. If Time or Corruption of Manners breed any Grievances, or discover any Defects in the Law, they are soon reform'd by Parliament: There the King sits inthron'd in the Seat of Majesty, attended by a Reverend and Learned Prelacy, a great and full Nobility, like the Stars in the Firmament, acknowledging to whom they owe their Lustre, and by a choice number of Knights and Gentlemen that represent the whole Body of the Commons: And they live not only under the best of Monarchies, but under the best of Monarchs. He extoll'd his Majesty's Heroick Journey into *Spain*, hazarding his Person to preserve the Kingdom, which after-Ages will think a Fable: His following and bedewing his Father's Herse with his Tears: The publick Humiliation and late publick Thanksgiving perform'd by him in Person: His care in the Administration of Justice: But above all, his regard and zeal for Religion, as appears by his gracious Answer to all their late Petitions concerning it, and his Proclamation commanding the Priests and Jesuits to Banishment; whose very entrance into this Kingdom is justly made Treason, their Aims being to plot and contrive Treason, witness those many Conspiracies against the late Queen, and the horrible Powder-Treason; and the *Spanish* Invasion in 88, will be remembred here, as 'tis remembred there, but with another Mind, a Mind of Revenge. It hath been long discover'd, that they affect an Universal Monarchy: *Videor mihi videre* (saith *Lipsius* of that State) *Solem orientem ab occidente*: And one of their own, speaking of the two great Lights in the Firmament, makes the Pope *Luminare majus presidens urbi & orbi*; and the King of *Spain*, *Luminare minus ut subdatur urbi, & dominetur per totum orbem*.

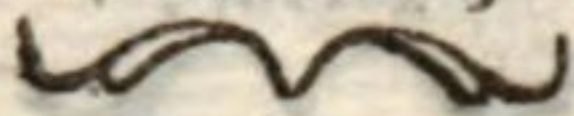
orhem. Hopes that as his Majesty's Father by that matchless Book of his denounced War to the Pope; so his Majesty will restrain that unlimited and boundless Ambition of *Spain*, who under colour of disguised Treaties hath invaded the *Palatinate*, and dispossest his Majesty's Sister and the Children of this Kingdom of their Inheritance. He humbly pray'd, 1. Privilege for them and their Attendants in their Persons and Goods from Arrests and Troubles. 2. Freedom of Speech. 3. Access to his Royal Person. 4. A favourable Interpretation of their Proceedings.

The Houses began with their Thanks to the King for his gracious Answer to their late Petition concerning Religion. A Bill was read for an Oath to be taken by Publick Accomptants; another against scandalous Ministers. The Commons fell into Examination of the publick Grievances, the Miscarriage of the Fleet to *Cadiz*, Evil Counsellors, Misemployment of the Revenue, an Account of the three Subsidies, and three Fifteens, 21 *Fac.* The whole was in the Committee of Grievances reduc'd to four Heads: 1. The State of the King's Revenue, what it was, what it is, and by what means abated, *viz.* By Gifts of Lands *ex mero motu*, Pensions, increase of the Household, fruitless Ambassages, treble increase of the Privy-Purse, double increase of the Treasury of the Chamber and great Wardrobe, and by not using the best course of Assignments. 2. The Condition of the Subject, by Taxes, Impositions, Monopolies, waste of Treasure, Arrest of our Merchants Goods in *France* and *Germany*, and the ill success of our Designs abroad; whereas we were in former times a Nation fear'd and victorious: When we made the *Netherlands* a State, recover'd *Henry* the 4th of *France* his Kingdom, conquer'd the invincible Navy in 1588. took Towns in *Portugal*, fir'd or brought away the *Spanish* Navy before *Cadiz*, sack'd the Town, took the *Spanish* Ships daily, spoil'd the Port-Towns of the *West-Indies*, losing but one Ship during

Grievances
taken into Con-
sideration.

And laid open.

An. 1625.



during the *Spanish* War, and reduc'd that King to so low an ebb, that in one year he paid 2500 Millions of Ducats for Interest. 3. The Causes of the good Success then, which were a readiness to assist the Sovereign in Purse and Person, the Wisdom and Gravity of Counsel, nothing being determin'd but upon publick Debate, and with the Assistance of the ablest Military Persons by Land and Sea, and such only imploy'd. 4. In what condition we now stand, by the loss of our Reputation, by the ill Successes in the Voyage for *Algiers*, in the *Palatinate*, in *Mansfield's* Expedition, and in that to *Cadiz*, which hath discourag'd us from venturing our Purse or Persons, when for want of such Courses and Counsels as formerly there is so little hope of Success. These and other things were design'd to be offer'd to both Houses, that they might represent the same to the King, and the fittest means might be found out for the defence of the State and our Allies, Reformation of the Errors, and raising such Supplies as might enable his Majesty to proceed chearfully in his glorious Undertakings.

A Committee was nam'd concerning Religion and the growth of Popery, to whom *Montague's* Appeal to *Cæsar* was refer'd; upon whose Report the Commons voted, That Mr. *Montague* endeavour'd to reconcile *England* to *Rome*, and to alienate the King's Affections from his Subjects: and Articles were exhibited by them against him to this effect.

Articles against Mr. Montague.

1. That the said *Richard Montague* publish'd a Book call'd, *An Answer to the late Gag of Protestants*: Another intituled, *A Treatise of the Invocation of Saints*; and another intituled, *An Appeal to Cæsar*. In which Books he hath maintained Doctrines contrary or repugnant to the Articles of Religion agreed to by the Clergy in Convocation in 1562. 1. The said *Montague* in his Answer to the *Gag*, and in his Appeal affirms, That the Church of *Rome* is and ever was a true Church since it was one, contrary to the 16th Homily

Homily of the second Book of Homilies, which Book is by the 35th of the said Articles declar'd to contain a Godly and Wholesom Doctrine. 2. In his *Answer to the Gag* he affirms, That the Church of *Rome* ever remain'd firm upon the same Foundations of Sacraments instituted by God, contrary to the said Homily, and to the 25th and 28th Articles concerning Transubstantiation, and the five Popish reputed Sacraments. 3. In the *Answer to the Gag* he affirms, That the Points which belong to Faith and good Manners, Hope and Charity, are not Points controverted between Protestants and Papists, but that the controverted Points are of a less and inferior nature, which a Man may be ignorant of, and oppose this or that without danger of his Soul, contrary to the 19th and 31st Articles, which determine, That the Church of *Rome* errs in Matters of Faith, and that the offering up of Christ in the Mass is a blasphemous Fable, and dangerous Deceit. 4. In his *Answer to the Gag* he affirms, That Images may be used for Instruction and Excitation of Devotion, contrary to the second Homily of the said Book against the Peril of Idolatry. 5. In his Treatise of the Invocation of Saints he affirms, That Saints have a Memory, and peculiar charge of their Friends; and that it may be admitted, that some Saints have a peculiar Patronage, Custody, Protection and Power, as Angels have over certain Persons and Countries by special Deputation, which is contrary to the aforesaid Homily. And in the Appeal he affirms, That Men justified may fall away and depart from the State which once they had, contrary to the 17th Article about Election: And to countenance his Opinion, he hath falsified, changed and misrecited several words in the said Article, and Books of Homilies and Common-Prayer, endeavouring to lay a Scandal upon the Church of *England*, as if they consented to those Errors call'd Arminianism.

2. That the said *Richard Montague* hath cast the odious and scandalous Name of *Puritans* upon

An. 1625.

such as conform themselves to the Doctrine and Ceremonies of the Church of *England*, under that Name laying upon them divers false and malicious Imputations, tending to the stirring up of Sedition in the State.

3. That the scope of the said *Richard Montague*, in the Books aforesaid, is to encourage Popery, and to withdraw his Majesty's Subjects from the Religion established, to the *Roman* Superstition.

4. That the said *Richard Montague* hath inserted into his Book, *The Appeal*, divers Passages dishonourable to the late King, full of bitterness and railing towards others, disgraceful to many worthy Divines here and beyond the Seas, impious and profane in scoffing at Preaching, Meditating and Conferring, Pulpits, Lectures, Bible, and all shew of Religion.

Whether any Answer was put in by Mr. *Montague* appears not.

People restrained
ed from hear-
ing Mass.

Attorney Gene-
ral's Letter
concerning Re-
cusants.

There being great resort of his Majesty's Subjects to the hearing of Mass, in the Lodgings of a Foreign Ambassador in *Durham-House*; the Privy Council required the Bishop of *Durham* to apprehend and commit them. And Sir *Robert Heath*, Attorney General, wrote a Letter to the Judges of the Circuits, dated *March 7. 1625.* to this effect.

1. That they publish his Majesty's Resolution, declar'd under the Great Seal, That the Revenue and Benefit arising from the Estates of Popish Recusants, shall be wholly apply'd to the Service of the Commonwealth, and not diverted by the Suits of his Subjects.

2. That they command the Clerks of the Assize, and of the Peace, to take care of the Indictment of Popish Recusants, that there be no Omissions or Mistakes therein; and that within ten days after the Term begins, they certify to him (the Attorney) who are indicted anew, and who are convicted into the *Exchequer*.

3. That their Lordships inform themselves of the

the Recusants of any Note, and take care that the Grand Jury indict them; and no Traverse be admitted, unless the Person convicted first yield his Body to the Sheriff, as the Judges have unanimously resolved the Law to be.

4. That Popish Schoolmasters and Teachers be proceeded against.

5. That they give the Countys notice, that married Women being Popish Recusants convicted, are to be committed to the County Goal without Bail, unless their Husbands pay 10 l. per Month for their Liberty.

The Commons were informed that the Reason why our Merchants Ships and Goods were seized in France was, for that Sir James Baggs, Vice-Admiral of Cornwall, and others, had done the like to the French; and particularly had seized the *Peter of Newhaven*, and (tho released by the King and Council, and Court of Admiralty) brought her into *Plimouth* by the Duke's Order; and 23 Bags of Silver, and 8 of Gold, were delivered out of her to the Duke, who said it was by the King's Order.

The Council of War for the *Palatinate* was called into the House of Commons, and asked whether their Advice was follow'd which they gave for the four Ends mention'd in the Act of Parliament of 21 Jac. But the House could get no clear or satisfactory Answer from any of them, only Sir Robert Mansel declar'd his readiness, upon time given him, and conference with the rest, to make a clear and full Answer.

Mr. Secretary Cook delivered a Message from the King to the Commons, declaring his occasion for Supply: And William Earl of Pembroke at a Conference, shewed, That Count Mansfield's Army was raised; the King of Denmark engag'd in the Quarrel; the Swede forward; a strict Alliance made with the *Hollanders*, who were to bear a fourth part of the Expence of our Navy, and only have a fourth of the Spoil; but the Lands and Cities conquered to be the King's: All which

An. 1625. which Advantages will be lost without a speedy Supply.

The Publick Evils.

The Commons, without considering the Matter of Supply, fell upon the Publick Evils, and voted them to be ;

1. Diminution of Strength and Honour.
2. Papists countenanced.
3. The Seas unguarded.
4. Plurality of Offices.
5. Sales of Honours and Judicatures.
6. Delivery of Ships to *France*.
7. Misemployment of the last Subsidies.

They ordered the Duke to have notice of this ; and Mr. *Clement Cook* said, It were better to die by an Enemy than to suffer at home.

A Committee of Lords to consider of the Safety of the Kingdom.

But the Lords appointed a Committee to consider of the Safety and Defence of the Kingdom (for which the King gave them Thanks) : And the Committee reported their Advice, That one Fleet be set out to annoy *Spain*, and another for defence of our selves ; and to consider of maintaining the Armies under the King of *Denmark* and *Mansfield*.

Communicated to the Commons, not well represented.

The Lords hereupon desired a Conference with the Commons : But they returned Answer, They would be careful of the Kingdom's Safety and Defence, and maintain their own Privileges ; and immediately proceeded with the Debate concerning the Duke : Which was interrupted by the King's Letter to the Speaker, and his Message by Sir *Richard Weston*.

The King's Letter to the Speaker.

The Letter to the Speaker was to this effect : That he hath often by himself, and by Messages, put that House in mind of his pressing Occasions. That he looks for a speedy, full, and perfect Answer what they will give for his Supply ; wherein he expects no less than what is answerable to the Occasion : Promises, that when they have satisfied this his reasonable Demand, he will continue them now as long as the Season will permit, and shortly call them together again ; and shall now willingly remedy any just Grievances which they shall present to him in a dutiful and mannerly way, without throwing an ill Odor upon his or his Father's

Father's Government. That he shall think him the wisest among them, who without reflecting backward, can counsel him how to provide for the Kingdom's future Safety and Honour.

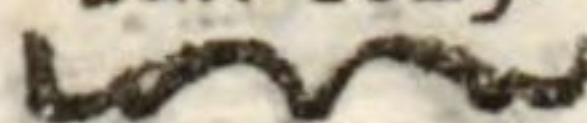
The Heads of the King's Message by Sir Richard Weston, were these. *Sir R. Weston's Message.*

1. The Fleet must be paid off, or a Mutiny will follow. 2. Forty Ships are ready to be set forth, which want only Victuals, and some Men. 3. The Army appointed in every Coast must have Victuals and Clothes. 4. The Companies in *Ireland* must be provided for. 5. This is the Season of providing Victuals. His Majesty therefore desires to know what Supply they will give him for these Occasions.

The Commons returned Answer to the following effect: That no King was ever dearer to his People than his Majesty, nor any People more zealous to maintain and advance the Honour and Greatness of their King, which they shall manifest, as upon all occasions, so especially in the support of that Cause wherein he and his Allies are engaged. And because they cannot doubt but that his Majesty will accept the faithful and necessary Information and Advice of his Parliament in discovering the Causes, and proposing the Remedies of those great Evils which have occasioned his Majesty's Wants, and his Peoples Grief; They do in confidence of Redress therein propose, that they really intend to assist and supply his Majesty in such a way, and in so ample a measure as may make him safe at home, and feared abroad, and herein they will use all diligence. *The Commons Answer thereunto.*

His Majesty reply'd, as follows; That he took their Answer to be full and satisfactory, and thanked them for it, and hopes they will with all expedition perform it. That he takes their Clause for presenting Grievances for a Parenthesis; but he will not have any of his Servants questioned amongst them, especially those near him. Sees they aim at the Duke of *Buckingham*; wonders what hath so altered their Affections towards *The King's Reply.*

An. 1625.



wards him since his Father's last Parliament, when he was an Instrument to break the Treaties, and they so much honoured and respected him: Assures them he hath done nothing but by his (the King's) special Directions, and as his Servant. Bids them hasten his Supply.

Notwithstanding this, the Commons fell upon the Duke, and Dr. *Turner* a Physician offered in the House six Queries grounded upon Common Fame, concerning,

Dr. *Turner's*
Querys against
the Duke.

1. The Loss of the King's Royalty at Sea.
2. Impoverishing the Crown by exorbitant Gifts.
3. Multiplicity of Offices in one Person.
4. Increase of Recusants.
5. Sale of Honours and Offices.
6. Ill Success of the last Expedition.

All which were by these Queries laid at the Duke's door.

Hereupon two Questions were moved.

1. Whether these six Heads upon Common Fame be to be debated in Parliament?

2. Whether an Accusation upon Common Fame, by a Member of this House, be a Parliamentary way?

In the Debate, Sir *Tho. Wentworth*, Mr. *Noy*, and others, put a difference between Common Fame and Rumour; Common Fame being *Vox Populi*, and if not admitted an Accuser, Great Men would be safe. At length it was resolved, That Common Fame is a good ground of proceeding for this House.

Next day Sir *Richard Weston* delivered the Commons a Message from the King.

Another Mes-
sage from the
King.

That his Majesty had taken notice of a seditious Speech of Mr. *Clement Cook* in this House; That it were better to die by an Enemy, than to suffer at home. Since which Dr. *Turner*, without any Knowledg in himself, or Proof tendred to the House, hath made an Enquiry of Articles against the Duke of *Buckingham*, as pretended, but indeed against the Honour and Government of him and his Father; an Example not to be suffer'd. He wonders at the Impudence of any Man, who
thinks

thinks he can be drawn to offer up such a Sacrifice: Desires the Justice of the House against the Delinquents, that so he may not be constrained to use his Regal Authority to right himself.

Upon this Dr. *Turner* said, To accuse upon Common Fame, was a Parliamentary way, and warranted by antient Precedents, and likewise by the Imperial *Roman* Laws, and the Canons of the Church. It was done within these Walls to the Duke of *Suffolk* in the time of K. *Hen. 6.* And Mr. Chancellor (*Sir Richard Weston*) himself, accused the common Undertakers upon particular Fame.

The Debate being adjourned to another day, Dr. *Turner's* Dr. *Turner* sent a Letter to the Speaker, excusing his not attending them through his want of strength. That he presented those Grievances to the House, not because they were greater than some others, but that they directed them to find out the Griever. That he puts himself upon their Censure, hoping that his addressing those Accusations to the House of Parliament, shall be found by them to be done in a mannerly and Parliamentary way. That what they appoint him, he shall dutifully undergo when God restores him; but if he goes to his Grave first, hopes the Reputation of an honest Man, and an *Englishman*, shall attend him thither.

Upon resuming the Debate, Sir *W. Walter* (if his Name be not mistaken) said, the Cause of all their Grievances was, That (as was said of *Lewis the 11th of France*) *All the King's Council rides upon one Horse*: That they were to advise his Majesty (as *Jethro* advised *Moses*) to take to him Assistants; 1. Noble, not Upstarts. 2. Men of Courage, that will execute their Places themselves, not by Deputies. 3. Fearing God, not inclining to a false Worship for respect of Mother, Wife, or Father. 4. Dealing truly, without Courtship or Flattery. 5. Hating Covetousness, no Bribe-takers, or Sellers of Places. 6. Many, not one Man ingrossing all. 7. They must

Sir W. Walter's Opinion of the Cause of Grievances.

An. 1626. must judg of small matters, the greater should go to the King himself. 8. *Moses* chose Elders, not young Men.

Sir John Elliot pursues the Argument against the Duke.

Sir John Elliot said, That their Wills and Affections were never more clear as to his Majesty, but perhaps balk'd and check'd in their forwardness by those whom the King intrusted: That the last Action was the King's first Action, and therefore the more subject to Observation; and therein the King and Kingdom suffer'd much Dishonour: The great General thought it sufficient to put in his Deputy, and stay at home: Count *Mansfield's* Action was miserable: The handful of Men sent to the *Palatinate* never seconded: Honours and Judicial Places are sold, *Vendere jure potest, emerat ille prius.* He cited two Precedents, one 16 *H. 3.* the Treasure was exhausted, and Subsidies demanded, but denied: The Lords and Commons desir'd the King to re-assume the Lands which were improvidently granted, and to examine the Causes of the present Evils: The King yields to it; *Hugo de Burgo* was found faulty and displac'd, and then the Commons gave Supply. The other 10 *R. 2.* The Commons denied Supply, and said their Monies were misemploy'd, and that the Earl of *Suffolk* over-rul'd all, and pray'd a Commission might be granted to examine him; and a Commission was granted to take Examination of the Crown-Lands which were sold, and of the Disposition of the Jewels of the King's Grandfather and Father; and he wished our Jewels were within those Walls: That they were now in the same case with those former times, and unless they seek redress of those great Evils, the People will be unwilling to grant: That the three Subsidies, and three Fifteens which are proposed, are less than they would give, but yet all they are able to do.

Three Subsidies and three Fifteens voted.

The Commons consider'd the King's Necessities, and voted him three Subsidies, and three Fifteens, and the Bill to be brought in as soon as Grievances were presented to and answer'd by the King.

King. And the Commons again resumed the Debate concerning the Duke, and order'd him to have notice.

2 Car.

The King sent for the Commons to attend him at *Whitehall* the morrow after, and in the mean time their Proceedings to cease: He told the Lords and them he had sent for them thither for distinct Reasons; the upper House to give them Thanks for their care of the State of the Kingdom, and for inciting the Commons thereunto: That he was come there to shew the House of Commons their Unparliamentary Proceedings; and for that refer'd to the Lord-Keeper.

The King's Speech.

The Lord-Keeper told them, That the Errand he was to deliver had relation only to the House of Commons; That never King was more loving to his Subjects, or better affectioned to the right use of Parliaments, than his Majesty hath approv'd himself by his long Patience, and calm and mild Directions from time to time given them, when the irregular Humours of some particular Persons wrought Diversions and Distractions there: And his Majesty assures them that when he hath receiv'd satisfaction of his reasonable Demands, he will hear and answer their just Grievances: That on the other hand never King was more jealous of his Honour, nor more sensible of the neglect and contempt of his Royal Rights, which he will not suffer to be violated by any pretended colour of Parliamentary Liberty: That he will now shew them some Proceedings whereat his Majesty finds himself agriev'd. 1. They never censur'd or corrected Mr. *Cook* for his seditious Speech, tho his Majesty by Mr. *Chancellor* of the Exchequer requir'd Justice of them. 2. Notwithstanding his Majesty's aforesaid Message concerning Dr. *Turner* (which Message the Lord-Keeper repeated at large) they have been so far from correcting the Insolence of *Turner*, that their Committees have walked in the same steps, and proceeded in an Unparliamentary Inquisition, whereof they have made Fame the Groundwork: That his Majesty

Lord-Keeper's Speech.

upon

An. 1626.

upon every occasion finds the Honour of his Father and himself stain'd and blemish'd, and a forwardness in them to pluck out of his Bosom those whom he had cause to affect. Concerning the Duke of *Buckingham* his Majesty saith, That he himself better than any Man living knoweth his Sincerity and Discretion, his Enemies the hazards of both Person and Estate he hath undergone, and his forwardness in the Service of this House, and therefore believes the aim is not at the Duke, but to wound the Honour and Judgment of himself and his Father: That his Majesty expressly commands them to cease this Unparliamentary Inquisition, and commit unto his Majesty's Care, Wisdom and Justice, the future Reformation of things: And before the end of this Session he will give them ample Satisfaction. That they have suffer'd the greatest Council of State to be censur'd in their House; Foreign Business hath been entertain'd there; his Council, Government and Servants parallel'd with the times of most Exception. Their Committees have examin'd the Secretaries Letters, nay his own, and commanded his Officers to shew not only Records, but their Books and private Notes; things as unsufferable, as in former times unusual. As to the three Subsidies and three Fifteens they have agreed to give, they have been made acquainted with the Enemies strong Preparations, and the Importance of upholding his Majesty's Allies, securing *England* and *Ireland*, and annoying the Enemy by a Fleet at Sea, and the Charge of all: And they professed their carefulness to support the Cause, and their Intentions so to supply him as to make him safe at home, and fear'd abroad; and that they would use all Diligence therein: and yet in two days only of twelve this business hath been thought of, while they proceeded with their Inquisition day by day. That the Supply intended is so small, that it exposes his Majesty to Danger and Disesteem, for his Allies must disband and leave him to the fury of the Enemy: That

That the manner of the Supply is dishonourable and distrustful, a Condition in effect (tho not literal) being annex'd to it, for the Bill is not to come into the House till their Grievances are presented and answer'd : That his Majesty commands them by Saturday next to return their final Answer, what further Supply they will add, and that without condition directly or indirectly ; which if they do not by that time, his Majesty cannot promise them to sit longer together : But herein his Majesty expects their chearful Obedience : That his Majesty knows there are many wise well temper'd and well affected Men among them, and the willingly faulty not many ; and for the rest he hopes after this gracious Admonition they will follow the better sort ; and if so, he will forget what is past.

Then his Majesty spake again, That they perswaded his Father and him to break off the Treaties, and then no Man so much in favour with them as this Man whom they seem to touch, but 'tis indeed his and his Father's Government : That now he is so ingag'd, that they think there is no retreat, they begin to set the Dice, and make their own Game ; but this is not the way to deal with a King. He repeated what Mr. Cook said, but added, It was more Honour for a King to be destroy'd by a Foreign Enemy, than to be despis'd by his own Subjects : He bid them remember that Parliaments are altogether in his Power for their Calling, Sitting and Dissolution ; and as he finds the Fruits of them good or evil, are to continue or not to be.

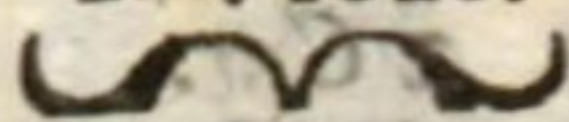
But the King, lest some things in his and the Lord-Keeper's Speeches might be misunderstood, commanded the Duke at a Conference of both Houses, thus to explain them.

That it being objected, that to prefix a day to give or to break is unusual, and seems to express an Inclination in the King to break : His Majesty saith he was free from such thoughts ; that he would not tie them to a day : That the King hath Agents here from Foreign Princes, and the King

The King proceeds.

The Duke explains the King's and Lord-Keeper's Speeches.

An. 1626.

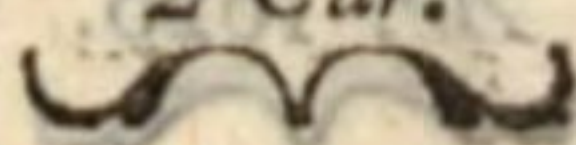


of *Denmark* hath sent an Ambassador to perfect the Contract at the *Hague*, and those things made him press for a time. His Majesty now gives longer time: But if the King should accept of a less Sum than will suffice, it would deceive their Expectations, and disappoint his Allies: That while we delay, others abroad will take advantage of it, as the King of *Spain* hath done by concluding a Peace in *Italy*: That by giving liberally they shall carry the War to the Enemies door, and keep Peace at home. Touching Grievances he was commanded to tell them, his Majesty meant not to interrupt their Proceedings, but hopes they will go in the antient ways of their Predecessors, to redress Faults, not to seek them: That he intends to elect a Committee of both Houses, who shall take the view of his Estate, the defects whereof are not fit for the Eyes of a Multitude: That the Supply propos'd is so little, that it will bring the King to a worse Estate than now he is in: His Majesty therefore wishes them to enlarge it, but leaves the Augmentation to themselves.

The Duke then made an Address to the following purpose in his own behalf.

And speaks on
behalf of him-
self.

That it hath been his study to keep a good Correspondence between the King and his People; that it lies in their hands to make him happy or not, and he wishes his Heart and Actions were known to them all: When he had waited on his Master into *Spain*, it is well known what Testimony he gave of his Religion; and if he had had any ill Inclination, he had offers in *Spain* which might have tempted him: If he would have been converted, he might have had the *Infanta* to have put in his Master's Bed: And if his Discontent should have arisen here, he might have had an Army to have come along with him: That the last year's Preparations for the War were out of necessity; for his Majesty had good Intelligence that the King of *Spain's* Eye was maliciously bent this way: That the Lord *Conway* can tell them, that nothing was carried on for the setting out the



the Fleets by single Councils; nor did he in all those Actions go with single Councils, but was an obedient Servant and Minister to the Resolutions taken, tho he confesses they were not always such as could have been wished: That he advised the King when at *Oxford* to have his Council with him in the Country: That he diligently waited on them, and the Council of *Woodstock* generally advised the going out of the Fleet; that the season was fit appear'd, for that they all arriv'd in safety. It was objected the Provisions were not good, but Experience shew'd the contrary: That if the Success were not as could have been wished, he hopes he shall not be blam'd, being not there in Person, altho he made earnest suit for it; but his Master thought his Service more useful in the *Low-Countries*: However it had these good Effects, it put the Enemy to great Charge in fortifying his Coasts; we took so many Ships as caus'd his Merchants to break, and they could carry no Treasure to pay their Army in *Flanders*. From *Oxford* the Council went to *Southampton*, there a League Offensive and Defensive between us and the States was resolv'd on, they being of our own Religion, and their Situation so useful to us, that it is Policy in us to relieve them when in distress; and it was agreed that they should contribute the fourth part of the Charge of the War at Sea: That his Majesty then sent him into the *Low-Countries* to get such a League with other Princes as he could. Now he had discover'd here that a League offensive and defensive would be refus'd by *France* and *Denmark*, he was shy to enter into such a League against *Spain*, and therefore was forced to conclude the League in general terms for restoring the Liberty of *Germany*, without naming the King of *Spain*, or the Emperor, that other Princes may come in: And to lessen our Charge in the *Low-Countries*, the Land-Assistance given them is to cease six Months hence. And 'tis agreed with *Denmark*, That if the King of *England* should make a Diversion with his Forces equal to his

An. 1626. Contribution, that Charge should cease : And if *France* may be drawn in, of which there is great hopes, our Charge will be eased that way : But all is in the discreet taking of the time, lest the King of *Denmark* accept of those fair Conditions offer'd him, and the Enemy fall upon the *Elve* and *East-Frizeland*, and ruin the *Low-Countries* : That if in any of these Employments his Errors may be shew'd him, he should take him for his best Friend that did it : That he hath never had any end of his own, as may appear by the Expence of his own Estate ; his Journies into *Spain* and the *Low-Countries* were all at his own Charge. That since the War begun with *Spain*, he hath had twelve Ships on the Coasts, and Allowance but for four. He was first perswaded by Sir *Robert Mansel* to take the Office of Admiral : He brought the yearly Charge of 54000*l.* to 30000*l. per annum*, and built two Ships every year out of it ; and when sufficient were built, he brought the Charge to 22000 *l. per annum* : That there are now twelve Ships victualed for two Months, thirty more at *Plymouth* victualed for six Months, and ten more ready so soon as victualed, and twenty more to come from the *Low-Countries* : Desires them not to follow the Examples of *Gordomar* and *Ynoiosa*, who would have had his Head, when they (the Parliament) thought him worthy of a Salute : That his Errors are not Wilfulness, Corruption, Oppression or Injustice ; and minds them again of the Supply, and intreats their charitable Opinion of him and his Actions.

Lord Conway
vindicates the
Duke.

For the further vindicating the Duke, the Lord Conway said, That whereas Jealousies had been raised in the House that the Monies had been expended unusefully, he was the only Secretary, and could give the best account of it. That when King *James* had broken the Treaties, and saw the *Palatinate* must be got by the Sword, he computed the Charges, and found the Subsidies granted too short, for that it could not be done without 25000 Foot, and 5000 Horse, which would come to

to 600000 l. for the Armies yearly, and 300000 l. for the Navy. In the mean time Count *Mansfield* came over, and offer'd for 20000 l. per month, to raise an Army of 30000 Men, and to draw in the *French King*, *Denmark*, *Sweden*, *Venice*, *Savoy*, the *Switzers* perhaps, and some other *German Princes*; altho a general Peace was then offer'd in *Germany* by the *Austrians*, who resolved to call a Diet, and exclude the *Palatine*. The King accepts *Mansfield's* Proposal (so as he draw in the *French King*) and sent Ambassadors to several Princes, but receiv'd cold Answers. *Mansfield* went into *France*, and procured that King to contract to receive our Troops, with a promise to enter into the War. Thereupon the Imperialists left their Diet, and sent *Tilly* into *Friesland* to take up the River *Emden*, which would have ruin'd the *Low-Countries*. But the King of *Denmark* offer'd our King to raise an Army of 30000 Men, if he would allow 30000 l. a month. Our King call'd a Council, and appointed Commissioners, and from that time all the Warrants for issuing out the Monys were under the King's own hand; and the Warrants for levying of Men, and for Coat and Conduct-mony, were from the Lords of the Council. Being ask'd by the Duke, Whether any thing was done by single Council? He answer'd, No, for it was all done by the King himself.

He gave them likewise a List of the Subsidy-mony paid for the four Regiments of the *Low-Countries*; for the Navy, for the Office of the Ordnance and Forts in *England*; for the Forts in *Ireland*, and for the Service under Count *Mansfield*; for Provision of Arms, and transporting of Soldiers: The several Sums amounting in all to 278497 l. 4 s. 11 d. besides 4973 l. for Ammunition for the Forts and Castles, and 10650 l. 6 s. 8 d. for repairing them.

The House of Lords presented a Petition to the King, setting forth, That the Peers of this Realm having heretofore in civility yielded (as to

Monies disbursed for the War.

The Lords Petition touching Precedency.

An. 1626. Strangers) Precedency to such Nobles of Scotland and Ireland, being in Titles above them, as have resorted hither; now several resident here do, by reason of some late created Dignities in those Kingdoms, claim precedency of the Peers of this Realm, which is a Novelty without Precedent, that Men should inherit Honours where they possess nothing else, injurious to those Countreys where they have a Vote in Parliament, and yet not a Foot of Land; a Grievance to the Country where they inhabit, that they should be exempted from those Services to which others are liable, and a shame to Nobility, that Persons so dignified should be exposed to Arrests. They pray therefore his Majesty would take some course therein.

The King answered, He would take order about it.

The Earl of *Bristol* had continued under Restraint, and had been debarred of access to his Majesty ever since his return out of *Spain*; and some Propositions were tendred to him, concerning which he had written to the Lord *Conway*, and receiv'd an Answer dated *March 24. 1625.*

*Ld Conway's
Letter to the
E. of Bristol.*

That his Majesty was nothing satisfied with what he had written; that the Question propounded from his Majesty was plain, Whether he would chuse to sit still without being questioned about his Negotiation in *Spain*, and enjoy the Benefit of the late Pardon granted in Parliament? or whether, for the clearing of his Innocence, he would wave the Advantage of the Pardon, and put himself into a legal way of Examination for the trial thereof? That if his Assurance be such as his Words and Letters import, his Majesty conceives it stands not with that publick and resolute profession of his Integrity to decline his Trial. His Majesty leaves the choice to him, and requires a direct answer, without bargaining with him for future Favours before-hand; and if he makes use of the Pardon, expects that he should at least forbear to magnify his Services, or cast an

an aspersion upon his Majesty's Justice.

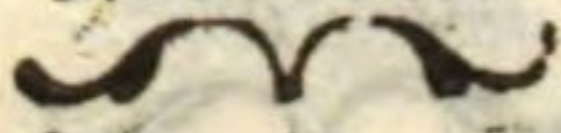
To which the Earl answer'd,

2 Car.

*The Earl's
Answer.*

That his Lordship's last Proposition was, Whether he desired to rest in the Security he was in, which he now expresses, whether he would chuse to sit still? That his Lordship intimates, that he had not been yet question'd; whereas by a Commission of the Lords he was question'd upon twenty Articles, divers involving Felony and Treason. To which when he had answer'd, their Lordships never met again about that Business. That understanding by the Security he is in, and sitting still, and not being further questioned, that he is restored to the bare Freedom and Liberty of a Subject and Peer (for by the Question 'tis not apparent that his Liberty is to revolve to him) he doth accept his Majesty's Grace, and shall not wave any thing that should come to him by the Pardon of 21 *Jacob.* nor by the Pardon of his Majesty's Coronation; and is so far from bargaining for future Favour, that he shall not presume to press for any Favour, until his dutiful and loyal Behaviour shall move his Majesty thereunto, but shall receive with all humility his Freedom and Liberty. That he hopes it shall not displease, if to his own Comfort, and the Honour of his Posterity, he makes use of those many written Testimonies his late Master hath left him, of his gracious acceptance of his Services for twenty Years; and that the modest avowing of his Innocency will not be thought an Aspersion upon his Majesty's Honour or Justice; and God forbid it should reflect upon the Justice of his late or now Majesty, that not being guilty he should have suffered so long; for as he never yet repined, so he knoweth the long continuance of his Troubles may be attributed to other Causes, as his own Errors of Passion, or other Accidents. Hopes this will satisfy his Majesty; if not, and he may have a signification of his Pleasure, he shall humbly obey.

An. 1626.



The King's
Letter to the
Earl.

The Earl not having received his Writ of Summons, petitioned the House of Lords to mediate for his Liberty, and Privilege of Peerage; and that if charged, he may be tried by Parliament. And upon the Report of the Committee of Privileges, That it was necessary to beseech his Majesty for his and some other Lords Writs of Summons; the Duke informed the House, that upon the Earl's Petition, the King had sent him his Writ, with a Letter.

That he (the King) wonders he should, through forgetfulness, request his Favour, when he knoweth what his Behaviour in *Spain* deserved; where he was so far from dissuading him (the King) from changing his Religion, that he offered his Advice and Secrecy in it: And at other Conferences shewed him how convenient it was to be a *Roman* Catholick, it being impossible in his Opinion to do any great Action otherwise: The Disadvantage he brought to the Treaty, and his Sister's and her Childrens Interest: By what Artifices he put off his (the King's) Return home; the great Estimation he made of that State, and the low Price he set this Kingdom at: And his approving that his (the King's) Nephew should be brought up in the Emperor's Court.

The Earl's Pe-
tition to the
Lords.

The Earl upon receipt of his Writ, again petition'd the House of Lords:

That with his Writ he had receiv'd a Letter from the Lord Keeper; a Copy whereof, and of his Answer thereunto, was annexed. How far this may trench upon the Peers, and the Authority of their Letters Patents, to be thus discharged by a Letter missive from a Subject, without the King's Hand, he leaves to their Lordships. That having been for two Years wronged in his Liberty and Honour, by the Power of the Duke of *Buckingham*, to keep him from his Majesty and the Parliament, lest he should discover the Duke's Crimes; he prays he may be heard in the Point of his Wrong, and of his Accusation of the Duke, how infinitely he hath abus'd their Majesties, the State, and both

both Houses of Parliament; and that they will mediate to his Majesty for his coming to the House, in such sort as they shall think fit.

The Lord Keeper's Letter to the Earl, dated *March 21. 1626.* imported, That by the King's Command he had sent him his Writ of Summons for the Parliament: That his Majesty's meaning was not to discharge any former Directions for Restraint of his coming hither, but that he should continue under the same Restriction as he did before, so as his personal Attendance is to be forborn.

Lord Keeper's Letter to the Earl.

The Earl's Answer, dated *April 12. 1626.* from *Sherburn,* was, That by his Writ of Summons under the Great Seal, he is commanded, all Excuses set aside, upon his Faith and Allegiance to come to attend his Majesty: And in a Letter missive it is intimated by his Lordship, that his personal Attendance should be forborn. That he wants Judgment how to govern himself in this case: If the Writ be not obey'd, 'tis a Misprision and finable; and a Letter Missive, 'tis doubted, would not be a sufficient Discharge against the Great Seal: And if the latter be not obey'd, a Peer may *de facto* be committed upon a Contempt in the interim, and the Question clear'd afterwards. All he can say is, that he will exactly obey; and that he may understand which Obedience is required, he will repair to his private Lodgings in *London,* and there remain till he understands his Majesty's Pleasure. And as to his continuance under the same Restriction as he did before, he conceives this is intended of his coming to Parliament only; for he was never restrained from coming to *London,* but on the contrary had his late Majesty's express Leave to come thither. And his Majesty, then Prince, signified to him, that he might make use of the Leave the King had given him; since which he had only his Majesty's Letter of *June* last, commanding him to remain as he was in the time of his Father, which was with liberty to come to *London.*

The Earl's Answer,

Here-

An. 1626.

*A Message
from the King
to the Lords.*

Hereupon the Lord Keeper delivered a Message from the King to the House of Lords:

That he hath heard of an undutiful and disrespectful Petition of the Earl of *Bristol* to this House. Thanks them for their dutiful and respectful Proceedings therein: That his Pleasure is, That the Earl be sent for by this House as a Delinquent to answer his Offences in his Negotiations before and after his Majesty's being in *Spain*, and his scandalizing the Duke of *Buckingham*, and his Majesty by reflection, without whose Directions the Duke did nothing. That his Majesty will cause him to be charged before their Lordships.

The Lords return'd the King Thanks for his confidence in their Honour and Justice.

*The Marshal of
Middlesex's
Petition touch-
ing Priests.*

The Marshal of *Middlesex* preferred a Petition to the Committee of the House of Commons. The Case was thus:

By virtue of a Warrant from Mr. Attorney General, directed to *John Tending* Marshal of *Middlesex*, and others, to search the Prison of the *Clink*, and to seize all Popish and superstitious Matters there: And upon a Letter to Sir *George Paul* a Justice of Peace of *Surry*, Sir *George*, the Marshal, and about 100 Assistants, on *Good-Friday*, *April* 7. came to the *Clink*; and some of them entring (the Door being open) the Porter shut the Door, kept them within, and denied entrance to the rest till another Door was broken open, and then all entred, and dispersing themselves found four Priests, *Preston*, *Cannon*, *Warrington*, and *Prator*: *Preston* was committed sixteen Years since, and discharged about seven Years ago, yet remained in the Prison, attended with two Women-Servants and one Man-Servant; and had three or four Chambers, with part of the Bishop of *Winchester*'s House, into which there was a Passage through the Prison-yard, and no other. In his Chamber were a Library of Books worth 2000*l.* two Altars ready furnished for Mass, Copes, Surplices, Crosses, Crucifixes, very rich Beads, Jewels, Chains, Chalice of Silver and Gold;

Gold; five or six Bags of Mony not opened, about 100 *l.* scattered in his Desk, &c. In *Cannon's* Chamber were two Altars, Plate, Jewels, rich Pictures, Books to a great Value, and Popish Materials and Plate, which he said was the Keeper's Wife's. In his custody were all the Keeper's Warrants for commitment of Prisoners. In *Warrington's* Chamber little was found. *Prator* was newly remov'd to the *Clink* from *Glocester-Goal*: He brought up with him a Gentlewoman who lay next Chamber to his, for which he paid two Shillings six pence a Week, and kept a Maid to attend her. In the Porter's Chamber were found seven or eight Popish Books: In the Keeper's Lodging rich Pictures, and other things; among them a Picture of one *Collington* an old Priest, of whom *Cannon* affirmed, That that Man's Beard had done King *James* more hurt, than an Army of 10000 Men could have done. But while the Marshal was busy in his search, a Countermand was brought from the Arch-bishop of *Canterbury* and Mr. Attorney, whereby all was staid, and the Marshal forbidden to remove so much as a Paper: The Keeper and his Wife, and the Priests, grevously threatning the Marshal with Arrests and Imprisonment.

The Marshal by a like Warrant from the Lord *Conway*, searched the Bishop's Prison in *Maiden-lane*, *London*, where he found six Priests, an Altar, and other Church-stuff, which are in the Hands of the Lord *Conway*: And he prayeth the Favour of this House for his Incouragement.

In the behalf of which Priests in the *Clink*, the Arch-bishop of *Canterbury* wrote a Letter to Mr. Attorney General.

That he believed the Gentleman that gave the Information, was a Disciple of the Jesuits, for they do nothing but put Tricks upon these poor Men, who by taking the Oath of Allegiance, writing in defence of it, and opening some Points of high Consequence, have so displeased the Pope, that if they could catch them they would be burnt

ABp of Can-
terbury's Let-
ter on behalf of
the Priests in
the Clink.

An. 1626. burnt or strangled. Once there was a Plot to have taken *Preston* on the *Thames*, and to have transported him into *Flanders*; and King *James* always gave his Protection to *Preston* and *Warrington*: *Cannon* medleth not with any Factions or Seditions. They complain that a Crucifix of Gold, with some other things, were taken from them, which he hopes may be restored again; for 'tis in vain to think that Priests will be without their Beads or Pictures: Hopes this Deed of his (the Attorney's) will restrain them from giving offence for the future.

The Commons made a Remonstrance to the King, in answer to his and the Lord Keeper's Speech.

*The Commons
Remonstrance.*

They rejoice at his Declaration of his Love to his People, and of his Resolution to redress their just Grievances, and for his commanding the execution of the Laws concerning Religion: But are grieved to see their Proceedings so misreported; First, As to Mr. *Cook*, it hath been resolved by them, without one negative Voice, that the Words mentioned in his Majesty's Message, or any other seditious Words, were not uttered by him. But he letting fall somewhat which might admit of an ill Construction, and being checked for it, he so explain'd himself, that they forbore then to take them into consideration, which since they have done, but have been interrupted by Business relating to his Majesty's Service. And the like Interruption befel them in the Case of Dr. *Turner*: That before that of Dr. *Turner*, they had taken into consideration the Evils which now afflict the People, and their Causes; wherein their Committees proceeded no otherwise than upon their own Knowledg, or other Proof; and have not therein swerved from the Course of Parliamentary Proceedings. That tho they had occasion to debate some things, partly Foreign, and relating to Affairs of State, they had no Intentions to traduce his Counsellors, or disadvantage his Negotiations; and tho some Examples were

were alledged of great Ministers questioned in Parliament, it was without paralleling his Majesty's Government to times of Exception. That the Secretary's Letter was at first alledged by his Majesty's Advocate for his own Justification. And a Copy of a Letter being divulged in his Majesty's Name, which they suspected to be supposititious, they sent to the Signet Office to search, whether there was any Record of such Letter, but no Warrant, or for any general search. That they have not forbore to search into publick Records, as by Law they may: And if their Committees have desired the help of the Officers, Repertories or Breviats of Direction, any Subject might have obtain'd it for ordinary Fees. As for the Duke of *Buckingham*, it hath been the antient and undoubted Right and Usage of Parliaments to complain of any Person of what degree soever, found grievous to the Commonwealth, without which none durst call great Officers into Question: That tho by the Custom of Parliament, Supply is the last thing handled, yet they have now resolved for a present Supply, well known to his Majesty; and have not receded from their first Intention, so to supply him as may make him safe at home, and feared abroad. They pray him not to hearken to officious Persons, nor judg of their Proceedings while in agitation, but to expect the Issue and Conclusion.

To this the King said he could give no present Answer.

The Duke was advised in writing, to procure the King to signify to a certain number of Lords, that he had endeavour'd to divert the Charge against the Duke, because he had experience of his Fidelity. That the King should reveal to them, as a Secret of State, That the King being in *Spain*, and there deluded, and his abode and return unsafe, his Father seeing a necessity of sweetning the *Spaniard*, commanded the Duke to yield discreetly in what they most desired, the Point of Religion. That upon the same Ground the sending

*Advice given
the Duke.*

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ing the Ships to *Rochel* may be excused. That if any Mony was given for Honour, or Places in the Church, or of Judicature, 'tis no more than what is done in *France, Spain, &c.* And if it be said the Duke took the Mony, the King may say 'tis more than can be proved: That he ought to protect a Man to his own knowledg innocent; and that if any thing hath been done amiss, he will redress it and prevent the like.

The King sends
for the Bishops.

The King sent for all the Bishops; and fourteen appearing, he reprehended them, that they had not made known to him what might be profitable for the Church; and charged them, that in the Cause of *Bristol* and *Buckingham* they should follow Proofs, not Rumors.

The Commons sent to the Duke by Sir *John Epsley*, to let him know they were passing Articles against him, the Notes whereof he might take out of the Clerk's Book, and that they expected his Answer that Day. But the Lords did not think fit he should answer, as appears by Sir *John Epsley's* Report, viz.

The Duke's
Answer to the
Commons Mes-
sage.

That his Grace thanked the Commons for this notice: But having moved the Lords of the Upper House therein, they would by no means give him leave to answer, for that they (the Commons) were presently to have enter'd into consideration of his Majesty's Message; and now they have deferr'd that until those things depending against him be first determined; he fearing his necessary Defence would spin out a great deal of time, is the willinger to obey their Lordships, tho to his infinite Prejudice, by being transmitted as a Grievance by the Voice of this House. And lest they should be mistaken in the Message, his Grace desired them to remember, that it is not he that refuses to answer, but the Lords have so commanded him; and desires their charitable Opinion.

The Duke proposed to the Council to have it moved to the King, That the usual Pay to the Seamen might be raised, from fourteen to twenty Shillings

Shillings a Month, being the same paid in Merchants Ships. The King consented, and yet multitudes of the press'd Mariners ran away.

It being resolved that the Committee of Twelve, appointed by the Commons, might consider of any new Matter against the Duke, Mr. *Glanvil* (the Chairman) required the Examination concerning a Plaister and a Posset applied and given to King *James* in his Sickness, when the King's Physicians had agreed upon other Directions: And it was ordered that this should be annexed as a Charge against the Duke. Whereupon the King sent them a Message,

A new Article against the Duke.

That his Majesty hearing there is new Matter intended to be brought against the Duke, he leaveth the House to their own way to present the Business to him, or to the Lords. For which Thanks were returned to his Majesty.

The King's Message thereupon.

The 1st of *May* the Earl of *Bristol* was brought to the Bar of the House of Lords, and charged by the Attorney General, Sir *Robert Heath*, with High Treason, and other Offences.

E. of Bristol brought to the Lords Bar.

The Articles were thus digested:

1. Offences before his Majesty's going to *Spain*.
(1.) That the said Earl of *Bristol* being in the Years 1621, 22, and 23. imploy'd by the late King *James* as his Ambassador to the then and now Emperor and King of *Spain*, for restoring the Dominions and Possessions of the Count *Palatine* of the *Rhine*, who married the only Daughter of the said late King, which were then possessed by the Armys of the said Emperor and King of *Spain*, and for preserving the rest then under the protection of the said late King; and also to treat with the said King of *Spain*, for a Marriage between his now Majesty, then Prince of *Wales*, and the *Infanta Donna Maria*, Sister of the said King of *Spain*: He the said Earl, to advance the King of *Spain*'s Designs, falsely and traitorously assured King *James*, that the Emperor and King of *Spain* would restore the Count *Palatine* and his Children to the said Dominions and Posses-

Articles against him.

An. 1626.

Possessions, and to the Electoral Dignity : And that the King of *Spain* did really intend the said Marriage, according to Articles then propounded, whereas neither Restitution or Marriage was ever really intended. By which false Assurances King *James* lost his Opportunity, and the Count *Palatine* his Dominions, Possessions, and Electoral Dignity : And he, and the Lady *Elizabeth* his Wife and their Children are bereaved thereof. (2.) That the said Earl, notwithstanding he had received from King *James* plain and particular Instructions and Directions to press the King of *Spain* to a speedy and punctual Answer touching the Treaties aforesaid, yet fallly and traitorously continued those Treaties upon Generalities, and so intended to have continued them, without reducing them to Certainties and direct Conclusions. (3.) That the said Earl, to discourage K. *James* from entering into Hostility with the King of *Spain*, for the hindering him and his Forces from attempting the Invasions of the Dominions of his said late Majesty and his Allies (the King of *Spain* thirsting after an Universal Monarchy) did, by Words and Letters to King *James* and his Ministers, extol and magnify the Greatness and Power of the King of *Spain*, and represented to him the supposed Dangers which would ensue a War ; and insinuated to him, that he must then expect during the rest of his Life, neither to hunt nor hawk, nor eat his Meat in quiet : whereby the said Earl did cunningly and traitorously endeavour to retard the Resolutions of his said late Majesty, to declare himself an Enemy to the King of *Spain*, who under colour of Treaties had so much abused him. (4.) That the said Earl having, before his going into *Spain*, communication with some Persons in *London* about his said Ambassage ; and being told there was little probability that those Treaties could have any good Success, the said Earl acknowledged as much, but said, he cared not what the Success would be, for he would take care to have his Instructions,

structions, and to pursue them punctually; and howsoever the business went, he would make his Fortune thereby; by which it appears he intended his own Ends, and not the Service or Honour of his late Majesty. (5.) That the said Earl throughout his whole Negotiation intended and resolv'd, that if the said Marriage should be effected, the Popish Religion and Professors thereof should be advanced within his Majesty's Dominions, and the true Religion and Professors thereof discouraged and discountenanc'd: And by Letters often counselled his late Majesty to set the Jesuits and Priests at liberty, and to grant the Papists a free Toleration. (6.) That by the false Informations and Assurances given by the said Earl concerning the said Treaties, their late and now Majesties being put in hopes, and yet by the long delay used therein, justly suspecting there was no such sincerity used as they expected, his now Majesty was forced to undertake his dangerous Journey into *Spain* to conclude the Treaties, or discover that there were no real Intentions on the Emperor's and King of *Spain*'s part: By which Journey the Person of his now Majesty did undergo such apparent Danger, as at the remembrance thereof the Hearts of all good Subjects tremble.

2. Offences during his Majesty's stay in *Spain*.

(7.) That the said Earl at the coming of his Majesty, then Prince, into *Spain*, cunningly and traitorously mov'd him to change his Religion, telling him, All the talk there was that he came for that purpose; cunningly adding, That he would not persuade him to it, nor would promise to follow his Example; but if he would trust him with so great a Secret, he would endeavour to carry it the discreetest way he could; whereas it had been the Duty of a faithful Servant, if he had found the Prince staggering, to have endeavour'd to prevent so great an Error. (8.) That he falsely and traitorously persuaded the Prince to become obedient to the usurped Authority of the Pope of *Rome*; traitorously using these words to the Prince:

M

That

An. 1626. That the State of *England* never did any great thing but when they were under the Obedience of the Pope of *Rome*, and that it was impossible they could do any great thing of note otherwise. (9.) That the Prince consulting with the said Earl about a Proposal, that the *Palatine's* Eldest Son should be bred up in the Emperor's Court, whereat Sir *Walter Aston* said, He durst not for his Head consent to it: The said Earl reply'd, He saw no such Inconvenience in it, for he might be bred there in our Religion: But when the Impossibility of it was pressed upon him, he said again, That without some great Action, the Peace of *Christendom* would never be had.

3. Offences after his Majesty's return from *Spain*. (10.) That his now Majesty, then Prince, upon departing from the Court of *Spain*, left the Powers of the Desponsories with the said Earl to be deliver'd upon the return of the Dispensation from *Rome*; but wrote a Letter to him from *Segovia*, commanding him not to make use of the said Powers until he could give him assurance, that after the Desponsories a Monastery should not rob him of his Wife; of which Command the Prince afterwards discharg'd him: But his late Majesty sent him an express Direction not to dispatch the Desponsories until a full Conclusion was had of the other Treaty of the *Palatinate*; and the Earl promised punctually to obey the King's Command therein, yet in another Letter immediately after he declar'd, That he had set a day for the Desponsories, and so short a day, that without extraordinary diligence, the Prince's Hands had been bound up, and yet he not sure of a Wife, nor any assurance given of the Temporal Articles. (11.) That the said Earl hath prefer'd a scandalous Petition to this Honourable House, to the Dishonour of his late Majesty, and of his Majesty that now is, to whom he hath given the lye in offering to falsify the Relation which his Majesty affirmed, and added many things of his own remembrance to both Houses of Parliament.

The

The Earl having heard the Charge against him, thus expressed himself.

That *April* 19. he had exhibited his Petition to this House, that his Accusation against the Duke might be heard, and thereupon he is now charged with Treason: That he importun'd the late King, that he might be heard before himself, which his Majesty promised; I pray God (said he) that that Promise did him no hurt, for he died shortly after: Desir'd that this House being first possessed of his Accusation against the Duke, they would receive his Charge against him and the Lord *Conway*, and not invalidate his Testimony against them by the King's Charge against him.

His Expressions at the time of his Accusation.

His Articles against the Duke and Lord *Conway* being receiv'd, he withdrew, and they were voted to be read; and the Earl being shortly after call'd in again, spake to this effect.

He crav'd Pardon for his passionate Speeches, for that unexpected Accusation of Treason would warm any honest Heart; and desir'd to know of Mr. *Attorney* whether that was his whole Charge, who answer'd, It was. Then the Earl desir'd to know of Mr. *Attorney* who was the Relator; who answer'd, the King had given him Direction for his own Relation against him. The Earl reply'd, That his Religion and Honour being call'd in question, he was an humble Suitor to his Majesty, that he would not be offended at his just Defence (notwithstanding which he was ready to make any Submission) and that the Duke and he might be upon equal terms, and neither of their Causes advanc'd before the other: Desir'd them to consider of how dangerous Consequence it would be if the King should be Accuser, Judg, Witness, and should have the Confiscation. As touching his Charge, he had once answer'd it all, except that of his Petition, and now expected to have been charg'd with some Practice with *Spain* against the State, or the receipt of 10 or 20000 *l.* for procuring the delivery up of some Town, as *Flushing* or the *Bril*; or for procuring the lend-

His Speech at his delivery of the Articles against the Duke.

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the King's Ships to a Foreign Nation against those of our own Religion, or for revealing his Majesty's Secrets, or for treating of the greatest Affairs without Instructions, or for having been corrupted by a Foreign Prince, or for breaking his Instructions in some Ecclesiastical Point, or for committing some Overt-act of Disloyalty, rather than to be charged after seven Ambassages, with Discourses and Inferences. He desir'd a Copy of his Charge, Time for his Answer, Counsel assign'd him, and that the Duke and he might be put in equal Condition: Desir'd that he having given in Articles against the Lord Conway, that Lord might not meddle in this business: And that he might make use of the Dispatches of his own Ambassages, and Sir Walter Aston's. And then he laid open his Case as follows.

He lays open his Case.

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That he having not in 20 years Service of his late Master receiv'd one Check till the Duke of Buckingham's return out of Spain, he would begin from thence; said, That he inform'd his Majesty by his Letters, That he fear'd the distaste between the King of Spain and his Ministers and the Duke would overthrow all his Affairs; *Hinc illa lacryma.* For the Duke having gotten a sight of those Letters, and fearing the Earl at his return would discover his Misdemeanors in Spain, the Duke to keep him from access to his Majesty endeavour'd to have him committed to the Tower presently upon his arrival, and dealt with Marquess Hamilton, and the Lord Chamberlain therein, on pretence, that if he were admitted to the King's Presence, he would disturb the course of Affairs; but they were too honourable to meddle therewith. This failing, the Duke to terrify him, gave out, that if he did not keep where he was, and lay hold of those great Offers made him in Spain, it would be the worse with him: That at Bourdeaux in France in his return homewards, he first heard how the Duke had aspersed him in his Narration to the Parliament, wherein there was not one thing concerning him which was not contrary

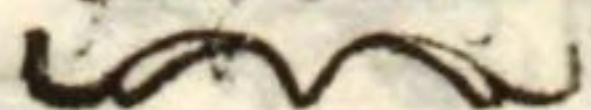
contrary to or different from Truth: That he took Post at *Bordeaux* lest the Parliament should break up before he came: But upon his landing at *Dover*, was by a Letter from the Lord *Conway* in his Majesty's Name commanded to retire to his House, and not to come to the King's Presence until he had answer'd some Questions. Hereupon he sent to his Majesty, whose Answer was, That his restraint was not for any ill meaning, nor should last long, but he intended to keep the Parliament from falling upon him. That then he pressed the King to expose him to the Parliament: But his Answer was, he would shortly put an end to his Affairs; and about this time the Parliament was dissolved. That he still solicited to be admitted to the King's Presence, who sent him word, that as soon as he had answer'd the Questions, he would both see and hear him: Then he solicited for the Questions, which were promised him within a few days. In the mean time the King sent secretly to him, that he should write a fair Letter to the Duke, and leave the rest to him: The Duke thereupon by one *Mr. Clark* sent him fair Proposals; but withal, that he must not be admitted to the King's Presence for some time, and the Duke would have the disposing of his Vice-Chamberlain's Place; but he utterly refused to condescend thereunto, and said the Duke was conscious of his own Faults, and knew his Innocence, and shew'd *Clark* a Paper he had made ready for the King. The Duke writ next day to him, that he had disoblig'd him by what he said to *Clark*; whereunto he answer'd as became him in point of Honour. This so incensed the Duke, that he swore he would have him question'd for his Life. But his late Majesty was often heard to say and swear, that he believ'd him an honest Man; and gave leave to Privy-Counsellors and others, nay the *Spanish Ambassadors* and the *Padre Maestre* to have access to him: That the Interrogatories, being twenty in number, were (after six or seven weeks delay) delivered to him a few days before

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the King began his Progress, which he would have answer'd presently in Person; but the King said he would not do him that wrong, but he should send his Answer. The Duke then urged the King that a few more Questions might be added, which was granted, so they might be presently sent him: But this was delay'd till the King had begun his Progress; and then within a day or two the Lord *Conway* offer'd to send them, which he (the Earl) pressed him to do, but could never get them to this day, for the turn was serv'd to keep him from the King's Presence. That he sent his Answer to all the Commissioners appointed to examine him, and most of them declaring they were fully satisfied, they were never permitted to meet again. When the Progress was ended, he again solicited the King, and wrote to the Duke, who sent him four or five Propositions, which he desir'd he should acknowledg, and then he should be receiv'd into the King's and Prince's Favour. In the Preface of which Propositions the Duke wrote thus: It is an Assertion not granted, That the Earl of *Bristol* by his Answer had satisfied either the King, the Prince, or me of his Innocency. But instead of an acknowledgment, he sent the Duke an Answer to them, which so satisfied his late Majesty, that in the Duke's Presence he said he were a Tyrant, should he enjoin an innocent Man to confess Faults of which he was not guilty: And sent him (the Earl) word, that he should acknowledg nothing wherein he was not faulty; and that he would hear him concerning the Duke, as well as he had heard the Duke concerning him. After which the King during his Sickness suffer'd much, by being pressed by the Duke concerning him the said Earl; which was the Suffering he spoke of the other day. And the Earl specified several Particulars, whereby it appear'd that the late King to his dying-day had no ill opinion of him: That the King gave him leave to come to *London*, but he giving the Duke intimation that he intended to go to his Lodgings at *White-hall*,
the

the Duke was incensed thereat, and said he mistook the King's meaning: And thus it stood when the late King died. That upon his Majesty's coming to the Crown, he by Letter implored his Grace, and desir'd the Duke's Mediation; but the Duke answer'd, That the Resolution was to proceed against him without a plain Confession of the Point, which he had been requir'd to acknowledge. And his Writ of Parliament being sent him, the Duke advised him from his Majesty to make some excuse for his absence; but the Earl desiring a Letter of Leave from his Majesty for his Warrant, instead thereof he receiv'd from the Lord Conway an absolute Prohibition, and to restrain and confine him as he was in the late King's time; altho in truth he was absolutely set free: but the Lord Conway would have it, that his Liberty expired with the King's Death; when indeed Restraint may expire, but Liberty is natural. That against the time of his Majesty's Coronation, he sued for his Majesty's Grace, and address'd to the Duke, from whom he receiv'd a Letter, with another inclosed from his Majesty, so different from his Majesty's former Expressions, viz. *That he had never offended him, and that his Faults were to be expiated by any easy Acknowledgment*; that he knew not what Judgment to make of it, nor hath presumed hitherto to answer it: That his Writ of Parliament being again detained, he petitioned this House, and his Writ was awarded. But the Duke took that occasion to read his Majesty's aforesaid Letter in this House, and the Writ being accompanied with a Prohibition from the Lord-Keeper, and he (the Earl) addressing himself by Petition to this House for redress of his own Wrongs, and with Complaints against the Duke, a succeeding Complaint is prefer'd against him for High-Treason, as is pretended, and he is brought like a Prisoner and a Delinquent to this House, while the Duke against whom he first complained is permitted to sit there as one of his Judges: He promised to put in his Answer as

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Earl of Bristol's Articles against the Duke.

soon as might be; but knew not how far he might have occasion for his antient Dispatches: But Mr. Attorney told him his Charge should look no further back than 1621.

So he was carried away by Mr. Maxwell the Gentleman Usher: Then were read the Earl's Articles against the Duke and Lord Conway.

The Articles against the Duke of Buckingham were these. 1. That in the Summer 1622. the Duke combin'd with the Conde Gondomar the Spanish Ambassador, to carry the King (then Prince) into Spain, to be instructed in the Roman Religion, and thereby perverted. 2. That Mr. Porter was made acquainted therewith, and sent into Spain, and such Messages at his return framed, as might be a ground for that Journey, whereby the King and Prince were highly abused, and their Consents gotten thereunto. 3. That the Duke when in Spain did (by absenting himself from all Exercises of the Protestant Religion, and conforming himself to the Popish Rites so far as to adore their Sacraments) give the Spaniards hope of the Prince's Conversion, which he endeavour'd to procure, and thereby caused the Spanish Ministers to propound far worse Conditions for Religion, than had been before agreed on under their Majesty's hands. 4. That he procur'd a Letter from his late Majesty to the Pope, stiling him *Sanctissime Pater*, which he could never get from the King while the Earl of Bristol (who strongly oppos'd it) staid in England. 5. That the Pope sent the Duke a particular Bull to encourage him in the Perversion of his Majesty, then Prince. 6. That the Duke having by his Behaviour in Spain so incensed that King and his Ministers, that they would have no further dealing with him, he endeavour'd to break the Match, for that it would now be to his disadvantage. 7. That (after he design'd to cross the Marriage) he made use of the Prince's Letters for other ends than they were intended, for he concealed matters of highest importance from his late Majesty, and

and put in practice divers other undue Courses.

8. That he abused both Houses of Parliament by his sinister Relation almost in every Particular.

9. As for Scandal given by his personal Behaviour, and his procuring from the King of *Spain* Favours and Offices for unworthy Persons for the hire of his Lust; the Earl leaves it to their Lordships how far they will have those things examined.

10. That the Duke hath been in great measure the Cause of the Ruin and Misfortune of the Prince *Palatine*.

11. That he hath in his Relation to both Houses of Parliament wronged the Earl of *Bristol* in point of his Honour, and by many undue Practices in point of his Liberty.

12. That the Earl of *Bristol* revealed to his late Majesty how the Duke had abused his trust: And the King sent the Earl word, he would hear him against the Duke, as he had heard the Duke against him. And shortly after his Majesty sickned and died, having been much vexed and pressed by the Duke.

The Articles against the *Ld Conway* were these:

1. That the Lord *Conway* hath sent the Earl of *Bristol* word, That if Matters be not accommodated between him and the Duke, he must declare for the Duke, and therefore is unfit to be a Judg in the Case. 2. That tho he be Secretary of State, and a Privy-Counsellor, he begins his Letters to the Duke [most Gracious Patron].

3. That he hath been made the Instrument of keeping the Earl from the King's Presence, and hath imprisoned him by his own Warrant. 4.

That he hath, by misinforming his Majesty, procured a Letter of Restraint of the said Earl, affirming, That that Liberty given him by his late Majesty, expir'd at the King's Death. 5. That the Earl desiring the Lord *Conway* to move the King for leave to see his Mother, when on her death-bed, the Lord *Conway*, after he had spoken with the Duke, made a negative Answer in the King's Name: Wherewith the King being acquainted, swore he had never moved him; and that to deny the Earl was a barbarous part, and presently

And against the
Lord Conway.

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presently gave him leave. 6. That he would never deliver any Message from the Earl to the King, without first receiving the Duke's Directions. 7. That the Earl having received 20 Interrogatories to be examined unto before Commissioners, some of them involving Felony and Treason: And his late Majesty having assured the Earl, that upon his giving satisfactory Answers he would put an end to the Business; and the Earl having given such an Answer as would admit of no Reply; and many of the Commissioners declaring themselves satisfy'd: The Lord *Conway*, to whom it belonged as Secretary to call the Lords together, never moved for any further meeting, whereby the Earl's Troubles have been still kept on foot. 8. That it being pretended there were some few more Questions to be added, the late King swore solemnly, that when the Earl had answer'd them he should be forthwith admitted to his Presence, and commanded the Lord *Conway* to send them to the Earl, but he would never send them. 9. That the Earl being set free by his late Majesty, and having his Writ of Parliament sent to him, desir'd notwithstanding to know whether his going or stay would be most pleasing to his Majesty? Who by the Duke answered, He wished him to make some Excuse for the present. But the Earl moving he might have a Letter under the King's Hand to warrant his Absence, the Lord *Conway* instead thereof sent a Letter from his Majesty, forbidding his coming to Parliament, and that he should remain restrain'd as he was in his late Majesty's Time; and tho he was not then under Restraint, the Lord *Conway* will not understand his Case, but saith, his Liberty expir'd by the King's Death. 10. That the Lord *Conway* knowing that the Match of the King of *Bohemia's* eldest Son with the Emperor's Daughter, and being bred in the Emperor's Court, was allowed and propounded by his late Majesty, and never spoken of but with this Condition, that he should be bred

in his own Religion: Yet hath he suffered all to be charg'd against the Earl of *Bristol*, viz. That he consented to the breeding of the young Prince in the Emperor's Court, to the end he might be perverted. II. That the Lord *Conway* hath been the Cause of all the Earl of *Bristol's* Troubles, by his dubious and intrapping Dispatches.

The Lords ordered the Charge against the Earl should be first heard, and then the Charge against the Duke; yet so as the Earl's Testimony against the Duke be not prevented, prejudiced, or impeached.

The Lord Keeper deliver'd a Message from the King to the Lords:

That as to many of the Articles exhibited against the Duke by the Earl, he is able to say more than any Man for the Duke. That that touching the Narrative made in Parliament trencheth as far upon himself as the Duke: That they have been closed in the Earl's Breast these two Years, and now vented by way of recrimination. Thanks them for not putting the Duke (his Majesty's Witness) under the same restraint as the Earl, who appears as a Delinquent, and is confident they will not equal them by a Proceeding *pari passu*.

King's Message to the Lords about the Articles against the Duke.

There was an endeavour to proceed by Indictment against the Earl, in the King's Bench; and these Reasons were offer'd against it.

An endeavour to indict the Earl.

I. It was 21 *Fac.* order'd by this House, That in all Causes of Moment, Capital or Criminal, the Defendants should have Copies of all Depositions, *pro & contra*, and Counsel is demanded. But if the Earl be proceeded against by Indictment, 1. He can have no Counsel. 2. He can use no Witness against the King. 3. He cannot know what the Evidence will be.

Reasons against it.

2. The Earl, by his Petition, desired to be heard in the Points of his own Wrongs, and of his Accusations against the Duke: And the King signified by the Lord-Keeper that he put his Cause upon the Honour and Justice of this House, and would cause him to be charged there, so as this House

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House is fully possessed of the Causes, and the Charges of both sides delivered in: But by now indicting the Earl, the Honour and Justice of this will be declined.

3. The Earl being indicted, this House cannot keep him from Arraignment; and so he may be disabled to make good his Charge against the Duke.

4. The Earl for two Years (till now he complain'd) was not questioned for Treason.

5. He hath been examined upon twenty Interrogatories, and the Commissioners declar'd his Answers would admit of no Reply.

6. The Lord *Conway* hath by several Letters intimated, there was nothing against him but what was within the Parliament's Pardon.

7. His Majesty hath often declar'd, there was neither Treason nor Felony against him.

In the first and second Years of this King's Reign, some Cases happened in Parliament which occasion'd the following Questions.

1. Whether a Peer impeached for Treason shall be tried in Parliament: To which the Justices answered, That the Course by Law was by Indictment, and this to be signified in Parliament before the Lord Steward, *vide* 10 E. 4. 6. or by Bill, and an Act of Parliament to attain the Party.

2. The Earl of *Bristol* moving the Lords for Counsel, and they recommending it to the King, with voucher of their former Order, the King answer'd, It was contrary to the Fundamental Laws of the Realm; but being for his own Advantage he might dispense with it, and the Earl was allowed Counsel.

3. Upon the Trial of the Lord *Middlesex* in a Case Criminal, not Capital; the Justices unanimously agreed, that where the Trial is upon Indictment, no Counsel in Felony or Treason is to be allowed, unless where a Matter of Law happens upon the Indictment, or upon the Defendant's Plea, or upon Evidence.

4, 5. The Lords referred to the Justices these two Questions, Whether the King may be a Witness in case of Treason? And admitting it be for Treason done when he is Privy, Whether in this Case he may be a Witness or not? But before the Resolution, the King commanded them to give no answer, unless they had a particular Case before them.

In this Parliament the Duke of *Buckingham* having the Proxies of fourteen Peers, the House of Lords ordered, That after that Session no Lord should receive above two Proxies.

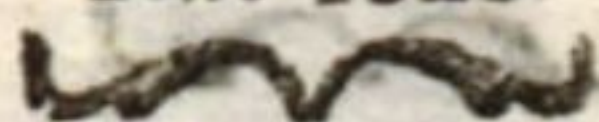
The number of Proxies restrain'd.

The Earl of *Bristol*, about a Fortnight after his Charge was given in, being brought to the House, delivered in his Answer, introduc'd as follows: That he was not insensible upon what Disadvantages he came there, his Majesty's heavy displeasure, a potent Adversary highly in Favour, and an accusation of Treason; tho taking with him the Opinion of his Counsel, he cannot find in the Articles any thing like Treason, or that hath the shew or countenance of a Fault; only by straining them contrary to their true Sense, 'tis inferred, that the Intent was Evil; and this depends upon two Props, ill Affection to Religion, and too much Affection to *Spain*. For his Religion, he was bred in the Protestant Religion: When at fit Years he travelled to *France*, *Italy*, and *Rome* it self, he constantly used the Religion he professed, never was present at any of the Exercises of the *Roman* Religion, or did the least act of Conformity thereunto. After his Return he served his late Majesty several Years as a Gentleman of his Privy-Chamber, and Carver; during which time he frequently receiv'd the Sacrament, heard Sermons, &c. In his Youth he translated Monsieur *Moulin's* Excellent Book, which was approved by King *James*, and printed under the Name of Mr. *Sampford* his Chaplain. About the 27th or 28th Year of his Age, he went Ambassador to *Spain* about the Treaty of Marriage, and carry'd two Chaplains with him: There he caused

Earl of Bristol's Introduction to his Answer.

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it to be published, that he would have a Communion; at which the Duke of *Lerma*, and other Ministers, took great Offence, the like being never done at that Court before, there being a hundred Persons present. The like he did at the Emperor's Court in his Ambassage thither. He had in *Spain* and *Germany* five hundred Persons attending him, and not one perverted. His Children were bred and instructed in the same Religion. He had constantly every Sabbath a Sermon, Sacraments, and other religious Exercises. In *Spain* one railed at our King and Religion; 'tis known how he reveng'd it. He caus'd one of the *English* at *Madrid*, who died a Protestant, to be brought to his House, and there buried according to our Rites. And being threatned that the Inquisitors would cause him to be fetched out and buried again, he stood upon it that it was the King of *England's* House, and he would shoot him that should make such an attempt. There being a Monastery in *Madrid* for *English* Jesuits, and the *English* Arms set up, he caused it to be absolutely dissolved, tho his late Majesty thought it impossible to be done. In all Negotiations in *Spain*, he ever straitned his Instructions in the Point of Religion. That he ever advised a Protestant Match, but if with a Catholick, then rather with *Spain* than *France*; as appears by a Letter he wrote to the Prince, for which he was like to have been ruin'd for being a Puritan, as now for being a Papist, and both by the same Hand. He appealed to Dr. *Mason*, and Dr. *Wren* the King's Chaplains in *Spain*, and Mr. *Sampford*, Mr. *Boswell*, and Mr. *Frewen* his own Chaplains there, and to his other Acquaintance, whether he did not always avow himself a Protestant? And to Mr. *Frewen* and Mr. *Wake* his Chaplains, how he behav'd himself in the times of several dangerous Sickneses, when no Man can be supposed to dissemble. For his Love to *Spain*, he wonders whence that Opinion should grow, he being the Man they desired to have least to do with, and whom they hated since they

they discovered, that he stood stricter in the Point of Religion, than by his Instructions he might have done. That he shewed it not by the Service he did them; for several Years not a Letter was sent by that King to any other State, but the King his Master had a Copy of it; not a great Action on foot, but he had their private Instructions and Intentions, and advertised his Master thereof. He got all the Papers of that King's private Cabinet into his hands; took Copies and Notes of what was useful, and set his private Mark upon them before return'd. Not a Port in *Spain* but he caused the depth of it to be sounded, nor a Fort whereof he knew not the Strength. That the Powers for the Desponsories were put into his hands with the King of *Spain*'s Consent, and not as an Attorney for the Prince; for that King had taken the substitution of them in legal Form, and so was interested in them as well as the Prince, it becoming *Instrumentum stipulatum*. That when the Duke came into *England*, he plotted his Ruin thus: He procured a Letter to him from the late King, desiring the Desponsories should not be till one of the Days of *Christmas*, but concealed that the Powers were to expire at *Christmas*. So if he proceeded in the Match, he had broken his Instructions: But if he delayed it till the Powers were expired, he had broken his Trust between the Prince and the King of *Spain*, and overthrown the Marriage. And when he had written into *England* to have a direct Warrant in the Point, the Duke plotted to have him committed to the *Tower* upon his arrival here, before he should speak with the King: Of which the *Spanish* Ambassador here getting notice, advertised that King; who foreseeing his Danger, resolved, that seeing his sufferings arose from his endeavouring to perform his Trust, he was bound in Honour and Conscience to preserve him from ruin. And when he was going for *England*, the *Conde Olivares* told him what was plotted against him there, and persuaded him to stay. Here he repeated the Offers made

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made him as aforesaid; notwithstanding which he came over to encounter with these Dangers, knowing his Conscience clear, his Cause good, and trusting in God Almighty.

He delivers his Answer.

Then he deliver'd in his Answer, desiring it might be recorded; and that the Duke might be proceeded with, as he was, and they might be upon equal Conditions: And that their Lordships would see the Informations he had given against the Duke prosecuted, he not being at liberty to do it himself: And that the Judges might deliver their Opinions, whether the matter charged against him be Treason. He said, it was a strange proceeding, that a Peer complaining of Practices against him, should then, and never till then, be charged with Treason; and it might concern them and their Posterity more than him now, for he could make his Innocence appear: That when he said he was like to be ruin'd first for being a Puritan, and now for being a Papist, and both by one Hand, he meant the Duke of *Buckingham*. That whereas the other day he said the late King in the Duke's hearing, swore he would hear him against the Duke, for which his Majesty suffer'd much, which had been understood to reflect on what is in agitation in the lower House: He said, that altho he could not excuse the Duke's Indiscretion in that point, yet he spake it not to corroborate that Opinion; for howsoever the Duke was his Enemy, he could not think so dishonourably of him.

His Answer.

The Earl of *Bristol's* Answer to the said Articles was to this effect, viz.

His Services to the Palatinate, when Ambassador to the Emperor.

1. The first Article he denieth, and saith, As to his Ambassage to the Emperor about the *Palatinate*, he propounded all things according to his Instructions, and sent to his late Majesty the Emperor's Answers under his Hand and Imperial Seal; but was so far from giving his Majesty any ill-grounded hopes, that he wrote from *Vienna* to the Council in *England*, 26 July 1624. to the following purpose:

That

That there might be a Dispatch presently into Spain to his Majesty's Ambassador and Mr. Cortington, to ripen the business against his coming; and to use plain Language, letting the Ministers there know, that that King's Letter to the Emperor was colder and more reserv'd than was expected by his Master: That tho he despair'd not of good Success, yet hoped the Preparations for a War should not be laid aside, and that Sir Robert Mansel's Fleet should be continued some time upon the Coasts of Spain, which will prove the best Argument for the Restitution of the Palatinate.

That he brought down Count Mansfield, whereby Frankendal was reliev'd; and merely out of his Zeal, without Warrant or Order, supply'd his Majesty's Army then in great distress, with Mony and Plate to the value of 10000*l*. and thereupon the Queen of Bohemia sent him a Letter, in which she thanked him for his Affection to the King and her, and for the Mony he lent their Soldiers: That she will never be forgetful of the Testimonies of his Love, which she prayeth him to continue to them, and to sollicite his Majesty for their Help.

What Satisfaction his late Majesty receiv'd in that behalf, appears by his Speech in Parliament; and he appeals to both Houses, with what Zeal he proceeded when he gave them an account of that Employment, and how he pressed that Preparation should be made for War: He pray'd the Duke of Buckingham's Letter to him of the 11th of Octob. 1621. might be produc'd, in which his Grace said, He was exceeding glad his Lordship had carried himself so well in his Employment; and his Majesty was infinitely pleased with it, and gave him Thanks. He hopes his Negotiation with the Infanta will not be of such difficulty as he seems to fear, seeing his Brother Edward hath brought a Letter from his Majesty's Son-in-law, whereby he puts himself wholly upon his Majesty's Advice for his Submission; and he believes the Span-
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An. 1626. *nish* Ambassador will imploy his Interest therein now the Impediments of *Manfield* are taken away, and his Majesty's Son-in-law will conform: That for the Mony his Lordship had so seasonably laid out, his Majesty would see he should sustain no loss.

And before his *said* Ambassage. Before his Ambassage to the Emperor he did the Prince *Palatine* all the Service he could, of which his late Majesty gave him his Testimony, as appears by a Letter from Sir *Francis Nethersole* (who was sent to the *Palatine*) to Sir *George Calvert*, dated in *Prague* Aug. 11. 1620.

That according to his Majesty's Command, he had acquainted the King of *Bohemia*, That the King his Master having found the Lord *Digby* mistaken at home, by his being imploy'd in the Affairs of *Spain*, and being jealous he might be also misrepresented abroad, had commanded him to tell his Majesty, that he had not a more truly affectionate Servant in *England*: And that whereas the Lord *Doncaster* had obtain'd but three great Boons, the Loan of Mony from the King of *Denmark*, the Contribution in *England*, and the sending Ambassadors to the contrary Parties; the Lord *Digby* was the first propounder of them all to the King his Master, altho his Lordship was content others should have the Thanks, lest the Credit might be weakened which he had in *Spain*.

When he return'd from the Emperor's Court into *England*, he solicited the sending away of Mony to the *Palatinate*, whereupon 30000*l.* were borrowed of three private Persons, and presently sent thither, besides the 10000*l.* he lent, for which he paid Interest out of his Purse for six months, and 500*l.* given long before by way of Benevolence: And before his going to *Spain* in *May* 1622. he gave the Account aforesaid to both Houses of Parliament; and the Parliament being dissolved, he continued his Solicitation for the Supply of the *Palatinate*, and his Majesty was perswaded to maintain 8000 Foot and 1600 Horse there; and upon

upon his Motion the Lord *Chichester* was sent for out of *Ireland*.

At his arrival in *Spain* he proceeded according to his Instructions, and pressed the business of the *Palatinate* as effectually as he could; and if that Summer the Marquess of *Baden*, Count *Mansfield*, and Duke of *Brunswick* receiv'd each of them an Overthrow, he hopes he shall not be liable to the blame, it having no relation to him or his Employment, of whose Services his Majesty by several Letters declar'd his acceptance, as in that of *Novemb. 24. 1622. viz.* That his Dispatches were so full, and he (the King) receiv'd such Satisfaction, that he need not enlarge, and that he was pleas'd with his diligent and discreet Endeavours. And in another of *January 8. 1622. viz.* That in that knotty Affair of the *Palatinate*, he knew not what he could have done more than he had done. And it was impossible the *Palatinate* should be lost by the hopes he gave out of *Spain*; for all was lost before his first Letters thence could come to his Majesty's hands, except *Manheim* and *Frankendal*; and he had sav'd *Manheim* had it not been so suddenly deliver'd to *Tilly*, as is acknowledged by the King's said Letter of *Novemb. 24. 1622.* As for *Frankendal* it was once sav'd by him, and again sav'd by his procuring the King of *Spain's* Letter of *Feb. 2. 1623.* upon which follow'd the Sequestration, which still continues. And when his Majesty and the Duke arriv'd in *Spain*, that business of the *Palatinate* was in so fair a way, that the *Spanish* Ministers told them, that King should give his late Majesty a Blank, wherein we might frame our own Conditions: And the last Answer he obtain'd from that King was fuller than he was order'd by his late Majesty's Letters to insist upon: That he had all the assurance that could be between Christian Princes, for he had that King's Word, Hand and Seal; and he and Sir *Walter Aston* were so confident thereof, that in their joint Dispatch of *November 24. 1623.* after his now Majesty's return

His Behaviour
in Spain.

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His Carriage
concerning the
Match.

Reasons why
the Match was
intended of
both sides.

into England, they told his late Majesty, They hoped they might give his Daughter that Christmas the News of the near expiring of her Sufferings, and to his Son the Congratulation of his being married to a most Excellent Princess.

As to the Match, he saith, he never gave any hopes of the Spaniards real Proceedings therein, but such as were first given to him; and his Advertisements were grounded upon all the Assurances that could be given between Christians, as will appear by his Dispatch of Novemb. 9. 1623. wherein are mention'd all the Engagements and Promises of the King of Spain: And the cause why the *Conde Olivares* pretended to the Duke of Buckingham, that the Match was not formerly meant, was to free himself from treating any longer with him (the Earl) that so he might get larger Conditions of the Duke in point of Religion, *Olivares* taking advantage of his having the Prince's Person in his hands. But that the Match was really intended on both sides, he believes for these Reasons: 1. The Duke of Buckingham certified his late Majesty, that the business of the Marriage was brought to a Conclusion; and the King thereupon, July 23. 1623. order'd the Duke and Earl to proceed. 2. It appears by Letters of Septemb. 4. 1623. from the Lord Conway to the Duke of Buckingham, that the Duke had good assurance of the Conclusion of the Match. 3. The very day that his now Majesty and the Duke departed from the *Escorial* towards England, the Duke swore to the Treaty of Marriage, and the furtherance thereof. 4. The Treaty of Marriage had been formerly sign'd, seal'd and solemnly sworn to by the King of Spain; and that King at his parting with his now Majesty, solemnly protested to perform all that had been capitulated therein; and in his Letter the next day vowed to make good all he had promised the day before: so that if there were no true meaning on the part of Spain, he (the Earl) was not slightly deceiv'd. And his late Majesty, and now Majesty

jesty who had been upon the place, so much believ'd it, that new Proxies were sent to him the said Earl.

2. To the second Article, he denieth all the supposed Offences thereby charged, and saith, That by Agreement on both sides, the Temporal Articles were not to be treated of before the Articles of Religion were settled, and those were not signed by the King and Prince until *January 5. 1622.* and then sent to *Spain*: But the Earl (to lose no time) before he would consent they should be sent back to *Rome*, got a promise from the King of *Spain*, That within the time limited for the Desponsories, which was *March* or *April* following, all the Temporal Articles should be settled, that so the *Infanta* might be deliver'd at the Spring: And accordingly the Particulars of the Portion, the time of the Desponsories after the Dispensation came, and several others were by *Sir Walter Aston*, the Earl and the *Spanish* Commissioners, drawn up into Heads in Writing: And *Gondomar* and the Secretary *Andreas de Prada*, 2 *Martii 1623. stilo vet.* acquainted *Sir Walter Aston* and the Earl, that the King of *Spain* had declar'd his Resolution in all the Particulars, and order'd them to come to a speedy Conclusion; and the Earl saw that King's Answer to that Conclusion. But the Prince and Duke arriving at *Madrid* the 7th of the same Month, the *Spaniards* took new measures. He conceives it cannot be meant he continued the Treaties upon Generalities, as to the Articles for Religion, for they were such as came from *Rome* to *England*, and from thence they came to the Earl; and for the Temporal Articles, they were not to be treated till those of Religion were concluded, which were not brought to the Earl till the 25th of *January*; so that there were but six weeks until his Majesty's arrival, and in that interim those Particulars of the Temporal Articles were settled: nor could any delay be imputed to him, for he was in *Germany* and *Flanders*, while *Sir Walter Aston*

Bristol not the
cause of the de-
and lay in Spain,

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and Sir Francis Cottington were for three or four years in *Spain*; and he re-assum'd the business but six months before his Majesty's arrival in *Spain*, and from thence pressed the King and Prince to break the Match rather than suffer any more delays: And in *September* following by Sir Francis Cottington he wrote to the King, That he conceiv'd it the right way to bring things to a speedy issue, for his Majesty to declare what he will do in the point of Religion, and to limit a time wherein the King of *Spain* should procure a Dispensation, or conclude the Match without it; and if any delay, that he may declare his Majesty to be free and disingag'd.

He wrote likewise at the same time to the Prince, telling him, That having receiv'd his late Majesty's Resolution in the point of Religion, and a limited time according to his desire, he was so punctual, that he would not give one month longer time for procuring the Dispensation without Direction under his late Majesty's hand, which he had by his Letters of *Octob. 25. 1622.* to this effect.

That in case they should conclude all things else to his Contentment, with a Resolution to send the *Infanta* hither the next Spring, that then he should not break with them for a month longer delay for procuring the Dispensation; and that he should not trouble himself with the rash Censure of other Men, in case his business should not succeed, assuring him he would never judg a faithful Servant by the Event.

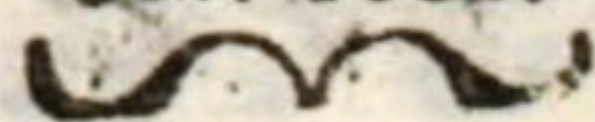
He saith, That when he had agreed to the Articles for Religion, he consented to the Propositions *de bene esse*, sent by Mr. Porter, *Decemb. 10. 1622.* to the end the Articles might be immediately sent to *Rome*, without losing so much time as to hear first from *England*; and mov'd his Majesty, that if he liked the Articles he would for gaining time send them directly to *Rome*, which he did: And at the same time he wrote a Letter to his Majesty, and another to the Prince, purporting,
That

That he was out of hopes of bringing things to any better terms, and therefore he beseeched them, that if they should not approve of the Articles, which were then conditionally agreed (which yet he hopes they would) not a day more may be lost in this Treaty, it being of so much consequence to them and the whole Kingdom that his Highness were bestowed.

He submits to their Lordships Judgment, whether the delays that have happen'd can be attributed to him, who never mov'd his Majesty or the Prince to admit of delays, but always pressed things to a speedy Conclusion: That his late Majesty upon the assurances given by the Spaniards, believ'd they dealt really with him; and the Prince and Duke wrote as much to his Majesty at their first coming into Spain, and all he (the Earl) had written was avow'd to them by Olivares and Gondomar.

3. To the third Article he saith, he did not extol or magnify the Greatness and Power of the King of Spain, or represent the Dangers that may ensue by a War, as in the said Article is mention'd: But if he did at any time speak or write to that purpose, he did it as a faithful Counsellor to his said Majesty, and an Ambassador, by way of his Advice and Opinion, and not with such an intent as the Articles saith: That he hath upon all just occasions advis'd that Preparations for a War should be made, as appears by his Speech in Parliament, and the care he took before his Ambassage to Spain, that his Majesty should have an Army of Horse and Foot, and by his Advice that Sir Robert Mansel should continue with his Fleet upon the Coasts of Spain: Remembers not that he discouraged his late Majesty from entering into a War with Spain; but might by way of Discourse have spoken to his late or now Majesty, of the Solidness of the Spanish Counsels and Proceedings, wishing England would imitate them, the way to impeach their Greatness, being to grow as wise as they: Remembers not what discourse he hath had,

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had, that his late Majesty's Quiet would be disturbed, or he not be permitted to hawk or hunt, but might say, how fit it would be upon being imbroiled in a War seriously to intend it, and to make it our whole Work; nor can it be conceived that Hawking and Hunting should be Considerations to withhold so prudent a King from a War for the good of Christendom.

4. To the fourth Article he saith, He doth not remember ever to have held such Discourse as in the said Article is mentioned: Tho it be true, that many Years since he thought the Match very unlike to be effected, as well for the unequal Answers given in Prince *Henry's* days, as for the difference of Religion. That the reviving of the Treaty of Marriage for his now Majesty was not by his means, for he ever advised a Protestant Match; but understanding both their Majesties desired the Match with *Spain*, he did faithfully endeavour to serve them therein: And it is likely he might say, he would get his Instructions perfect, and pursue them punctually; but for the latter part of this Conference, that he would make his Fortune by it, he was *Anno* 1621. and ever since, of that Rank and Quality in regard of his Employments, Fortunes, and his Majesty's Favours, that he dares answer for his Discretion, that it was impossible for him to hold so mean and unworthy Discourse.

5. To the fifth Article he saith, That the Allegations therein are so far from being true, that he always advised his Majesty should marry with a Lady of his own Religion: And in the whole Treaty with *Spain*, stood stricter in the Point of Religion than by his Instructions he needed. He denied he counselled the setting at Liberty of Priests or Jesuits; saith, The Ambassage in *Spain* is different from other Places, there being none there but Catholicks, nor any Intelligence to be gotten but by them, especially by Priests and Jesuits; some of whom the Ministers imploy'd there have gratified, by procuring the Liberty of some Friend

Counselled not
setting of
Priests at li-
berty.

Friend or Kinsman of theirs, being a Roman Catholick imprisoned in England. But he doth not remember himself to have written to his late Majesty in that kind; saith, His late Majesty was, by the Treaty of *Madrid* 1617. engaged in some Matters concerning Religion, and promised to *Gondomar*, and by Letters of 16 April 1620. to the King of *Spain*, some Favours to Roman Catholicks: And tho he (the Earl) had a Warrant under the King's Hand to assure the King of *Spain* those Promises should be performed; yet when pressed by the *Spanish* Ministers, he would not bind up his Majesty in that Point, nor consent to so much as a Clause *de bene esse*; tho afterwards both his late and now Majesty signed the Articles, and by their private Letters of 8 January 1622. confirmed the same; Denies he counselled his late Majesty to grant the Papists a Toleration, but protested against it; altho he hath seen a Paper dated 7 August 1623. signed by the Lord *Conway* and others, which is little less than a Toleration, and to this effect.

That for the satisfaction of the *Marquess* of *Ynoiosa*, and *Don Carlos de Colona*, the *Spanish* Ambassadors; and that it may appear, his Majesty will presently put in execution the Grace promised to the Roman Catholicks, and more than he is tied to by the Articles of Marriage; they declare his Majesty's Will and Pleasure to be, That a Pardon shall be passed under the Great Seal of all Penalties, Forfeitures, Seizures, Indictments, Convictments, and Incumbrances, whereunto the Roman Catholicks are liable, as well Priests as others, for Matters of Conscience only: And where such Forfeitures have been given away under the Great Seal, the Roman Catholicks may plead to such Grants, in case they are voidable by Law. That they take out this Pardon at any time within five Years; and for the poorer sort it shall not be costly, and as many put into one Pardon as possible. That in pursuance of the Articles of Marriage there shall be granted under the Great Seal a present Suspensi-

A Declaration signed by the Lord *Conway* in behalf of Roman Catholicks.

An. 1626. on of all Penal Laws against Roman Catholicks, and a Dispensation and Toleration to them, as well Priests as others, of and from all Penalties and Forfeitures they are subject to; and the King will confer with the Bishops and Advocates concerning the same: And his Attorney and Council shall draw up the said Pardon, Suspension and Declaration as full as possible. And the said Ambassadors may assign a discreet Person to retain Lawyers to take care of the strength and validity of such Grants; and the King's Attorney shall use such legal, necessary, and pertinent Words and Phrases therein as the said Lawyers shall propound. And that the like shall be done in Ireland, and likewise in Scotland, as soon as possible may be, with regard to the Publick Good and Peace of that Kingdom.

He saith, this was the Effect of the Duke of Buckingham's Negotiation, treated and concluded here by the Lord Conway with the Spanish Ambassadors while the Prince was in Spain. That he (the Earl) knew nothing of it, for if he had he would have protested against it. By which, and the Difference between that, and the Conditions of Religion agreed by the said Earl and Sir Walter Aston, it will appear whose Endeavour it was to advance the *Romish* Religion.

6. To the sixth Article he saith, That the Assurances he gave his late and his now Majesty, were such as were given him by the Emperor and King of Spain, and their Ministers: And there was never less colour to complain of the Delays of Spain, than when his Majesty came thither; for there was a time prefixed for the coming of the Dispensation, viz. in April 1623. (the next Month after the Prince's arrival at *Madrid*) and for the Desponsories within forty days following, and the *Infanta* to begin her Journey for England 20 days after; so that three months Patience would have shewed the Issue, without putting the Person of the Prince in such hazard for the trying an Experiment; and if the Spaniards were suspected

ted to deal falsly, they were the less to be trusted with his Person: But it was neither the Assurances of the Earl, nor the Jealousies of *Spain*, were the occasion of that Journey, as shall appear in due time. And the Earl having a hint of it by something let fall by *Gondomar*, dispatched away Mr. *Grisley* to prevent it, who upon the Confines of *France* met the Prince and Duke, and told them as much.

7. To the seventh Article he saith, He did not move his Majesty to change his Religion, nor can the Charge bear any such Inference; but that there being a general Opinion among the *Spanish* Ministers, that his Majesty came thither with an intent to become a *Roman* Catholick, and *Gondomar* having pressed the Earl not to hinder it, and seeming assured of the Duke of *Buckingham's* Assistance; the Earl told his Majesty what the general Opinion of that Court was, and beseeched him to deal freely with him as a faithful Servant, but without expecting his Majesty's Answer, declar'd himself a Protestant, and so should always continue, yet would serve his Majesty as faithfully as any Catholick whatsoever: Whereupon his Majesty made a full declaration of his Religion, and of his constant Resolution therein, and seemed much displeased that any should have so unworthy an Opinion of him, as to think he would for a Wife, or any other earthly Respect, so much as waver in his Religion. He then besought his Majesty that he would not let that Opinion remain longer among the *Spaniards*, for while they had any hopes of his Conversion, they would never content themselves with the Articles agreed upon with him (the Earl) and Sir *Walter Aston*: That the next day he told *Olivares* and *Gondomar*, how discourteous it was for them to press his Majesty to further Conditions than were formerly agreed upon in point of Religion, for putting himself into their hands, whereat they were much offended. All which appears by his Dispatches to his late Majesty of 9 September

The Earl persuaded not the Prince to change his Religion.

An. 1626. 1623. That for clearer satisfaction of their Lordships in this point of Religion, he offers to them a Copy of a Letter, which at his departure towards Spain about the Treaty of Marriage in the Year 1617. he wrote to his present Majesty in substance as followeth.

Advised a Protestant Match, *but if with a Catholick then rather with Spain than France.* That the Opinion he ever offered to his Majesty concerning his Highness's Marriage hath been, that his Highness might take to Wife some Protestant Princess, altho neither a King's Daughter, nor having Portion enough to relieve his Majesty's Wants, which may be remedied by Frugality, or by winning the Peoples Affections for supplying his Majesty in Parliament; whereas by a Match with a Catholick Princess, the Number and Power of the Papists will be increased through the exercise of her Religion, for her self and Family within his Highness's Courts, whereby by degrees those two different Religions will grow to an equality of Power, to the hazard and disquiet of the State. But if it be held fittest for his Highness to match with France or Spain, or any other Catholick, then he advises to a Match with Spain. That if his Majesty shall, upon motion of Parliament, or otherwise, proceed with a Protestant Match, he hopes so to manage the present Business, that it shall further not hinder it, otherwise he conceives his Highness doth approve that he effectually endeavour a Match for him in Spain.

He constantly professed the Protestant Religion.

That he hath all his days lived a Protestant, and in his former Employments for fourteen Years of above five hundred Persons who attended him, not one was perverted in his Religion saving two Irish Footmen. He desires the Testimony of Dr. Mason and Dr. Wren his Majesty's Chaplains in Spain, and of Mr. Sampford, Mr. Boswel, and Mr. Frewen his own Chaplains, as well for the frequent use of the Sacrament, as constant exercises of Religion, and of such Catholicks as have been his Acquaintance, whether he hath not upon all Occasions declared for the Religion he professeth; and desires Mr. Frewen and Mr. Wake may

may be examined as to his Behaviour in the times of several Sicknesſes.

8. To the eighth Article he ſaith, That he did not endeavour to perſuade the Prince to become a *Roman Catholick*, or to be obedient to the Authority of *Rome*; nor did he uſe to the Prince the words in the Article; but believeth that he may occasionally by way of diſcourſe have ſaid, That in regard of the Differences in Religion, it was more difficult to undertake great Actions now than in former Ages; witneſs this Treaty, wherein the Pope's Conſent was to be obtain'd: And his late Maſteſty was often heard to ſay, he was the true Martyr that ſuffer'd for his Religion, for he could not match his Children with their own Rank without the Pope's leave. Denies he alledged any ſuch thing to other purpoſe than to ſhew, That Conſcience and Love to Truth, not temporal Reſpects, made Men conſtant to the Profeſſion of the Proteſtant Religion: And why ſhould it be thought that being more fit to undertake great Actions in the World (being a mere temporal Reſpect) ſhould be an Argument to perſuade ſo religious a Prince, and ſo well inſtructed as his Maſteſty is? And it had been more pertinent to have alledged the Earl uſed to his Maſteſty ſome Arguments out of Scripture, or procured a Conference with ſome Learned Men.

9. To the ninth Article he ſaith, That there being a diſcourſe in *Spain* of accommodating the Prince *Palatine's* Affairs by the Marriage of his eldeſt Son with the Emperor's Daughter, and he to be bred up in the Emperor's Court; he (the Earl) by way of Diſcourſe, and not otherwiſe, ſaid, He thought his late Maſteſty would not be averſe thereunto, ſo as the *Palatine's* whole Patrimonial Eſtate, and the Electoral Dignity might be reſtored, and his Son bred in his own Religion, and to have *Preceptors*, and a Family appointed him by his late Maſteſty and his Father, and they to have free exerciſe of Religion: But his Maſteſty was returned out of *Spain* before any Propoſal

An. 1626.

K. James proposes a Match between the Palatine's Son and the Emperor's Daughter.

Proposal was made for the said Marriage, it being first motion'd between Mr. Secretary Calvert and the *Spanish* Ambassador October 2. 1623. And his late Majesty approving the Proposal, wrote to that purpose to his Son-in-law, 9 Novemb. 1623. a Copy whereof he caus'd to be sent to the said Earl, to this effect.

That for extinguishing that Displeasure and Enmity the Emperor had conceived against him (the Palatine) no better means could be used than an Alliance between his (the Palatine's) eldest Son, and the Emperor's Daughter, upon the assurance he (his late Majesty) hath, that he shall not be refused; he intending to interest the King of Spain in the Business. That if the Emperor should demand his Son to be bred up in his Court, he sees no reason why the Palatine should stick at it, upon these Conditions, That the young Prince should have such Governor as the Palatine should appoint, altho no Roman Catholick, and he and his should not be forced in Matter of their Conscience. And the Palatine to have an intire Restitution before his Son be put into the Emperor's Hands. This he takes to be the best, shortest, and most honourable way of making his (the Palatine's) Peace with the Emperor.

He saith, That by this Letter it appears there was no such Proposal when his Majesty was in Spain; hopes his late Majesty's Opinion of the Conveniency thereof will acquit him, if in discourse he declared his Majesty's Inclination. Remembers not what Sir *Walter Aston* answer'd, nor what he (the Earl) reply'd: but whatever he reply'd, it was that which he conceived to be the best way of Accommodation, and to be his late Majesty's Pleasure (which Sir *Walter Aston* was ignorant of) and not out of any disaffection to Religion, or sinister regard to the House of *Austria*; for he did not conceive the breeding of the Palatine's Son with the Emperor, under the Cautions proposed by his late Majesty, to be a Matter of such dangerous Consequence, well knowing,
That

That in the Emperor's Court, Princes there, tho his Prisoners, and others his Counsellors and Servants, and Commanders in his Armies, being avowed Protestants, have the free Exercise of their Religion.

10. To the tenth Article he saith, He cannot but compare this Article of his too much forwardness with the second Article, of continuing the Treaty upon Generalities. Denies he did presumptuously break his Instructions, or set any Day for the Desponsories, but only admitted the Day nominated according to the Capitulation. Denys he disobey'd any Direction of the Prince's, which he could understand not to be countermanded: saith, The then Prince delivered unto him the Proxies, with publick Declaration how he should use them (which was taken in writing by the King of Spain's Secretary) viz. That he should deliver them to the King of Spain within ten days after the coming of the Dispensation: That afterwards having Orders from the Prince not to deliver them till he had Security, the *Infanta* should not, after her betrothing, enter into any Religious Order. He presented to him such Assurances as were offer'd for securing that Point: Whereupon both his late and his now Majesty, by their severall Letters of 8 Oct. 1623. approv'd his Conduct, discharged him of that Command, and left him to take what Security he thought fit. And being freed of that Command, he remain'd under the Order and Declaration which his Highness had left with him when he deliver'd him the Proxies: And he intended to have proceeded accordingly, till by his Highness's Letters of Nov. 13. 1623. he was commanded the contrary, which he punctually obeyed.

And for such his Intentions, till countermand-
ed, he had sufficient warrant: for,

1. He had Instructions under his late Majesty's Hand to consummate the Match.

2. It was the main Scope of his Embassage.

3. He had a Commission for it under the Great Seal.

4. He

The Earl's Reasons why he would have consummated the Match.

An. 1626.

4. He had afterwards Orders under his Majesty's Hand.

5. It was agreed to be within so many days after the coming of the Dispensation.

6. His late and his now Majesty, by their said Letters of 8 October 1623. signified to him, that they intended to proceed in the Marriage.

7. The Proxies were to that end left in his Hands, and afterwards renewed.

8. He had otherwise overthrown the Marriage without any Order; for the King of Spain protested, that if he (the Earl) defer'd the Desponsories, he would free himself from the Treaty; nor could they have been deferred, for the Proxies expired at Christmas.

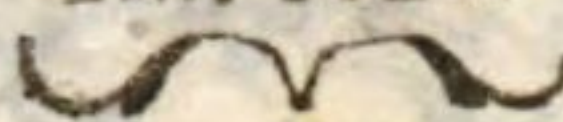
Lastly, The Proxies being delivered him, with a publick Declaration, and an Instrument by a Secretary of State directing the use of them, the K. of Spain became interested in them as well as the Prince, they being then *Instrumentum stipulatum*: So that if he had proceeded to the execution of the Desponsories, before his said countermand of Novem. 13. 1623. he had not broken his Instructions for want of assurance of the Restitution of the *Palatinate*, and the Temporal Articles. For as to the *Palatinate*, he had no express Directions not to dispatch the Desponsories until the Treaty of the *Palatinate* was concluded; only his late Majesty by his said Letter of October 8. required him to endeavour that he might have the Joy of both at Christmas: Whereas his Instructions of May 14. 1621. and Decemb. 30. 1623. were express, not to make the Business of the *Palatinate* a Condition of the Marriage; and before the Proxies were to be executed, he had an absolute Promise that the *Palatinate* should be restored: And Olivares in his Master's Name, and his own, desir'd his late Majesty might be assured thereof: And this was to have been put in writing before the delivery of the Proxies; and so confident were he and Sir Walter Aston thereof, that by their Letters of Novemb. 23. they wrote to his late Majesty,

The Restitution
of the Palati-
nate promised
by the King of
Spain and O-
livares.

ly, That he might that Christmas give to his Daughter the News of the near expiring of her Sufferings, and to his Son the congratulation of being married to a most Excellent Princess. And he (the Earl) was ever of opinion, That the best assurance his late Majesty could have of their real Proceedings touching the *Palatinate*, was the effecting of the Match; and his late Majesty was of the same opinion. As for the Temporal Articles, when the Desponsories were appointed to be on Friday, *August 29.* before the departure of his Majesty out of *Spain*, which was only hindred by the not coming of the Dispensation, he (the Earl) Sir *Walter Aston*, and the *Spanish* Commissioners, drew up the Heads of the Temporal Articles; and had the Dispensation come then, there had been no other Provision made for them before the Marriage. And after the Prince his departure, they were drawn into Form, and sent to his late Majesty *Septemb. 23. 1623.* But the Earl never receiv'd notice of his late Majesty's dislike of them till his Letters of *Novemb. 13. 1623.* which put off the Desponsories. He saith, he set no day for the Desponsories, nor could defer them after the Dispensation came from *Rome* without a direct breach of the Match, for the King of *Spain* was then resolved to demand the Proxies according to the Capitulation. And the Earl hearing from *Rome* that the Dispensation was granted, sent a dispatch of *Novemb. 1.* to his late Majesty, letting him know it was not possible for him to protract the Marriage, unless he would hazard the breaking it; nor was the King so straitned in time as by the Article pretended, for *Septemb. 28. 1623.* he wrote to the King, *That if the Dispensation came, he knew not how to detain the Proxies above twenty or four and twenty days.* So that here was two months warning given, from *Septemb. 24.* to *Novemb. 29.* the day appointed for the Desponsories: And he submits it to their Lordships, whether upon Inferences and Conjectures he should have overthrown so great a Bu-

O

siness;

An. 1626.  *The advantages of the Spanish Match.* *finess; or represent unto his Majesty, as he did, the true State of his Affairs, with his humble Opinion therein, and desire a clear and expresse Order in so great a Cause. And as to the evil Consequences which it's pretended would have followed, if the Earl had proceeded to the Consummation of the Match; his Majesty would have seen the Marriage he so long sought for, and the Prince had a worthy Lady whom he loved; the Portion (being two Millions) greater than ever was given in Mony in Christendom, the King of Spain engag'd for the Restitution of the Palatinate, the Prince no longer kept unmarried; the Difficulty of recovering the Palatinate by force from the Emperor and Duke of Bavaria avoided, Peace and Plenty given to his Majesty's Subjects and Crowns: The greatest difference in Christendom compounded, and the shedding of much Christian Blood prevented.*

11. To the eleventh Article he saith, That according to the Customs and Privileges of the House of Peers, the Petition complain'd of to be scandalous, should have been first adjudged so for matter appearing in it self, or upon hearing the said Earl. He saith, The Petition will not warrant such Inference as is by the Article inforc'd: Hopes to justify the Contents thereof in such sort as shall not displease his Majesty, but what he saith therein shall tend to his Honour and Service.

The Earl prayeth allowance of the General Pardon.

Prayeth allowance of the Parliament Pardon 21 Jac. and that their Lordships would be Suitors to his Majesty, that he may be restor'd to his Favour.

The Duke of Buckingham impeach'd.

May 8. The Commons brought up their Charge against the Duke of *Buckingham*, which was deliver'd at a Conference of both Houses, and manag'd by eight Members, viz. Sir *Dudley Diggs*, Mr. *Herbert*, Mr. *Selden*, Mr. *Glanvil*, Mr. *Pym*, Mr. *Sherland*, Mr. *Wandesford*, and Sir *John Eliot*. Sir *Dudley Diggs* began thus.

Sir Dudley Diggs's Speech.

That the House of Commons finding a great Interruption of Trade; the Pirates of *Sally* infesting

festing our Coasts, taking our Ships and Goods, and leading the Subjects of this Kingdom into Captivity, while our Enemies besieged our Ports, and block'd up our Rivers mouths; our Friends upon slight pretences made Imbargo's of our Merchants Goods, and every Nation ready to contemn and slight us; and calling to mind how formerly the Valour of this Kingdom had been better esteem'd, and even within remembrance, when we had no Alliance with *France* or *Denmark*, no Friend in *Italy*, *Scotland* not united, *Ireland* unsettled, *Spain* as ambitious as now, the House of *Austria* as potent, and the *Low-Countries* had no being, yet by constant Councils, and old *English* Conduct the *Spanish* Pride was cool'd, the House of *Austria* resisted, and to the *United Provinces* such a Beginning, Growth and Strength given as gave us Honour all over the Christian World. The Commons therefore debating the Causes of the Evils they now suffer, found them all to center in one Great Man, the Duke of *Buckingham*.

Here Sir *Dudley Diggs* read the Preamble to the Charge, viz.

For the speedy redress of great Evils and Mischiefs, and of the chief Cause of these Evils and Mischiefs which this Kingdom of England now grievously suffereth, and of late years hath suffer'd, and to the Honour and Safety of our Sovereign Lord the King, and of his Crown and Dignity, and to the Good and Welfare of his People, the Commons in this present Parliament, by the Authority of our said Sovereign Lord the King assembled; Do by this their Bill shew and declare against George, Duke, Marquess and Earl of Buckingham, Earl of Coventry, Viscount Villiers, Baron of Whaddon, Great Admiral of the Kingdoms of England and Ireland, and of the Principality of Wales, and of the Dominions and Islands of the same, of the Town of Calais, and of the Marches of the same, and of Normandy, Gascoigne and Guienne, General Governor of the Seas and Ships of

The Commons
Declaration
and Impeachment
against
the Duke of
Buckingham.

An. 1626.

of the said Kingdom, Lieutenant-General, Admiral, Captain-General, and Governour of his Majesty's Royal Fleet and Army lately set forth, Master of the Horse of our Sovereign Lord the King, Lord Warden, Chancellor and Admiral of the Cinque Ports, and of the Members thereof, Constable of Dover Castle, Justice in Eyre of all the Forests and Chases on this side the River Trent, Constable of the Castle of Windsor, Gentleman of his Majesty's Bed-Chamber, one of his Majesty's most Honourable Privy-Council in his Realms of England, Scotland and Ireland, and Knight of the most Honourable Order of the Garter; the Misdemeanours, Misprisions, Offences, Crimes, and other matters comprised in the Articles following, and him the said Duke do accuse and impeach of the said Misdemeanours, Misprisions, Offences and Crimes.

Which done, he thus proceeded, viz.

That the lofty Title of this Mighty Man had raised his Spirits to speak with a *Paulo majora canamus*: He compar'd this Monarchy to the World, the Commons to the Earth and Sea, the King to the Sun, their Lordships to the fixed Stars, the great Officers to the Planets, the Clergy to the Element of Fire, and the Judges and Magistrates to the Air wherein we breath; all which encompass round the Commons, who tho the lowest, are the settled Center of the State.

Now if that Sun shall draw from the Bowels of the Earth an Exhalation that shall burn and shine out like a Star, no wonder if the poor Commons gaze at the Comet, and impute the Effects to the corruptible Matter of it: But if it should appear as that in *Cassiopeia* among the fixed Stars, the Commons when they see such an exorbitant blazing Star, must recommend the nearer Examination of it to their Lordships, who behold it at a nearer distance; such a prodigious Comet is the Duke of *Buckingham*, against whom there are Articles, which he is commanded to lay open:
1. The Offices of this Kingdom have been ingrossed, bought and sold, and many of the greatest

est holden in the Duke's hands, whereby the Seas have been unguarded, Trade disturb'd, Merchants oppress'd, and their Ships, nay one of the King's, imploy'd against those of our own Religion. 2. For Honours, formerly the Reward of eminent Services, when the way to the Temple of Honour was through the Temple of Virtue, what back-ways have been by this Duke found out? nay, one Lord compell'd to purchase Honour. 3. As the Duke's poor Kindred have been rais'd to Honours, which hath been burdensome to the Crown; so the King's Revenues have by the Duke and his Friends been exhausted and misemploy'd, and the antient way of accounting in the Exchequer overthrown. 4. The last of the Charges is an Injury offer'd to the Person of the late King, of which they should hear more anon. He said, he was commanded upon this occasion to take care of the Honour of the King that lives, and of the King that is dead, on whom the Duke did cast some ill Odor of his own foul ways, and his own Faults upon his Master. And as for his present Majesty, whose Name hath been used, and perhaps now may be for the Duke's Justification; his Piety to his Father hath made him continue those Affections for the Duke which his Father had: And if he hath had any Commands from the King, the Laws of *England* say, That Kings cannot command ill or unlawful things, but the Executioners of them must answer for them.

Then were read the First, Second and Third Articles, *viz.*

That whereas the great Offices expressed in the Duke's Stile and Title, have been heretofore the Preferments of several Persons of eminent Wisdom and Trust, and others were encouraged by the hopes of Advancement; and divers of them severally require the whole care and attendance of one able Person: The Duke being young and unexperienc'd, hath ingrossed the said Offices into his own hands, to the danger of the State,

*The Commons
Articles against
the Duke.*

Article 1.
*His ingrossing
of Offices.*

An. 1626. and discouragement of others.

Artic. 2.
His buying of
the Office of
Admiral.

Whereas by the Laws of this Kingdom it is provided, That if any Person give or pay any Mony or Reward for an Office touching or concerning the Administration or Execution of Justice, or the keeping of any of his Majesty's Towns, Castles, or Fortresses, being used or appointed for places of Strength and Defence, he shall be disabled to hold the said Office: The said Duke did in or about *January 16 Jac.* give and pay to *Charles* then Earl of *Nottingham*, for the Office of Great Admiral of *England, Ireland and Wales*, and for the Office of General Governor of the Seas, and Ships of the said Kingdoms, and for the surrender of the same 13000 *l.* and procur'd from the said King an Annuity of 1000 *l. per annum* to the said Earl for his Life; and the said Offices were granted to the Duke for his Life, being Offices that touch and concern the Administration and Execution of Justice.

Artic. 3.
And of Warden
of the Cinque-
Ports, and Con-
stable of Do-
ver.

That the said Duke did in *December 22 Jac.* give and pay to *Edward* late Lord *Zouch* for the Offices of Lord Warden of the Cinque Ports, and Constable of *Dover* Castle, and for the surrender of the same, 1000 *l.* and granted him an Annuity of 500 *l. per annum* for his Life; and the said Offices were granted to the Duke for his Life: That of Lord Warden of the Cinque Ports being an Office that toucheth and concerneth the Administration and Execution of Justice; and that of Constable of *Dover* Castle being an Office that toucheth and concerneth the keeping and defence of the Town, Port and Castle of *Dover*, and hath been appointed for a place of Strength and Defence.

Inlarged by
Mr. Herbert.

These three Articles were enlarged by Mr. *Herbert*, who said, That in this vast Power of the Duke, there is an unfortunate Complication of Danger and Mischief to the State, as having, if false, too much opportunity to ruine the Kingdom, and if faithful, yet 'tis impossible he can execute so many great Places: That here is a

Price

Price set upon the Walls and Gates of the Kingdom, which is forbidden by the Statute of 5 Eliz. 6. for this reason, *That the buying of such Offices necessarily introduces corrupt and insufficient Officers.* And in the Parliament 12 E. 4. it is declar'd, *That the Buyers bind themselves to be Extortioners.* And tho there be no Penalty inflicted by any particular Law upon the Buyers, yet as far as it subverts the Welfare and Safety of the People, it assumes the nature of the highest Offences.

Then the Fourth and Fifth Articles were read, viz.

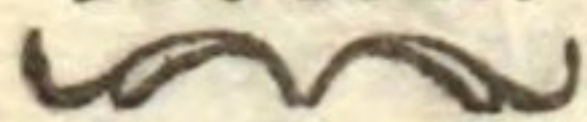
That the said Duke as Admiral and Governor of the Seas and Ships aforesaid, ought to have guarded the Seas, and when there wanted Men, Ships, Munition or other Strength, to have acquainted the Privy-Council therewith, and procur'd Supply thereof from the King, or otherwise: But the Duke had ever since the Dissolution of the two Treaties with Spain neglected the same, and had not safely kept the said Seas, whereby our Trade and Strength are decay'd, and the said Seas infested by Pirates, to the loss of Ships, Goods and People, and the Dominion of the Sea like to be lost.

Artic. 4.
His neglect of guarding the Seas.

That about Michaelmas last the Ship *St. Peter* of *Newhaven*, laden with Monies and Goods to the value of 40000 l. belonging to the Subjects of the French King, was taken by some of his Majesty's Ships under the Command of the said Duke, and with her Goods and Lading brought into *Plimouth*, on pretence they belong'd to the Subjects of the King of Spain; and Cochineal, Gold, Silver, Pearl, Jewels, Monies and Commodities to the value of 20000 l. were there taken out of the said Ship, and deliver'd into the Custody of *Gabriel Marsh*, Servant to the said Duke; and the said Ship with the residue of her Goods and Lading sent from thence into the River of *Thames*, and there detain'd: whereupon there was an Arrest of two English Merchant Ships trading thither, and his Majesty in Council order'd the

Artic. 5.
His taking the St. Peter of Newhaven.

An. 1626.



Inlarged by
Mr. Selden.

re-delivery of the said Ship and Goods, and the discharging thereof in the Court of Admiralty; and the said Court decreed, that the said Ship and Goods (except some particular Goods in the Decree mention'd) should be releas'd: The Duke notwithstanding detain'd the said Monies and Goods taken out of the said Ship as aforesaid, and without any new Proof or legal proceeding by colour of his Office as Admiral, caused the said Ship and Goods to be again arrested and detain'd.

These two Articles were enlarg'd by Mr. Selden, who said, That the Seas of *England* and *Ireland* are committed to the Admiral as part of the Demesne and Possessions of the Crown of *England*. And tho *Grotius* wrote of purpose to destroy all Dominion in the East-Sea, yet he speaks nothing against the Dominion of our *English* Seas, but expressly elsewhere saith, That the utmost Limits of the Crown of *England* are the Shores of the neighbouring Countries; the guarding of these Seas being committed now to the Admiral by the Name of *Prefectus Marium & Admirallus*, but before *E. 1.* (under whom the word Admiral came in) by the name of *Custos Maris*: And this *Prefectura* or *Custodia* binds him to the observance of whatsoever conduceth to the Safeguard of the Seas. 1. In certifying yearly to the King and Council the Forces of the King's and Merchants Ships, Owners Names, number of Mariners, &c. 2. In shewing the wants of Ships, with the Estimate of the Supply. And, 3. In personal attendance upon the Service of guarding the Seas. In 7 *H. 4.* *Richard Cliderow* one of the Knights for *Kent*, being made one of the Admirals, it was agreed in Parliament, that *Robert Clifford* the other Knight should have the Voices of both, because the other must of necessity be absent. The nature of the Offence of not guarding the Seas appears by the Consequences: 1. The Losses already shewed. 2. The preventing of Trade. 3. The weakning of the Naval Strength. In 1 *Rich. 2.* the Commons ascribed the weakning of the Kingdom to the

the neglect of Chivalry, an eminent Virtue not regarded nor rewarded; and the decay of Trade, since the Navy was grown weak. *Michael De la Pool* Lord-Chancellor was 9 R. 2. question'd in Parliament for mispending Subsidies given *pro salva custodia maris*: *William Duke of Suffolk* being Admiral, was for the same fault banish'd: He instanc'd in several who had been put to death and confiscated for not safeguarding Towns, Castles and Forts, which is of the same nature with not safeguarding the Seas. He said, the staying of the Ship the *St. Peter*, and detaining part of the Goods, was, 1. Against the Marine Laws; for Sentence against the King cannot be revoked without new Proof. 2. Against the Common Laws, whereby all Judges are bound to do right, notwithstanding any Command to the contrary. 3. Against the Law of Nations, whereby the Subjects of other Nations in Amity with us ought to be well used, and permitted without Molestation. 4. Against the Laws of Merchants, which is to have *celerem justitiam*. He said the Consequences of this Offence were, 1. Damage to our Merchants in foreign Parts. 2. Discouragement to those that are subject to the Marine Jurisdiction. 3. An Example that may hereafter be brought to justify an absolute Authority in the Admiral. Lastly, He instanced in the Duke of *Suffolk*, who was (among other Offences) charged with applying to his own use Goods piratically taken, expressly against an Order of Council, whereunto his Hand was for their Restitution, and was in Parliament adjudged for Treason.

Then the Sixth, Seventh and Eighth Articles were read, *viz.*

That the said Duke in *February 21 Jac.* hearing of some good success the *East-India* Merchants had at *Ormuz*, endeavour'd to draw from them some great Sum of Mony, which they denying him, and they being then setting forth in the course of their Trade four Ships and two Pin-naces laden with Merchandizes of very great Value;

Artic. 6.
His extorting
10000 l. from
the *East-India*
Company.

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Value; He moved the Lords in Parliament, Whether he should make stay of the said Ships, which were of great Burden? Which they approving of, he staid them accordingly. And the Company suing to him for a Release of their Ships and Pinnaces; he bid them set down the Reasons of their Suit, and he would acquaint the House therewith; but in the mean time caused a joint Action to be entred against them in the Court of Admiralty, in the Name of the late King and himself, for 15000 l. taken piratically by some of the Captains of those Ships, and pretended to be in the Companies hands. Whereupon an Attachment issued out against them, the Duke protesting the Ships should not go unless they compounded with him; and when they urged him for their Release, his Answer was, That the then Parliament must first be moved. So the Merchants being in this perplexity, and in danger of losing their Voyage, were forced to give him 10000 l. which the Duke extorted from them by colour of his Office, and upon a false pretence of Right.

Artic. 7.
His delivering
Ships to the
French King,

That the said Duke, about the end of *July* last 1 *Car.* under colour of his Office of Admiral, procured the *Vanguard*, a principal Ship of his Majesty's Navy, then under the Command of Captain *John Pennington*, and six other Merchant Ships of great Burden and Value belonging to the King's natural Subjects, to be conveyed over with all their Ordnance, Munition and Furniture, into the Ports of the Kingdom of *France*, that they might be put into the hands of the *French King*: And by his Ministers and Agents, compelled the Masters and Owners, and without their Consent, to deliver the said six Merchants Ships into the Possession and Power of the *French King*; and by the Duke's Compulsion, and under pretext of his said Power, as well the said Ship Royal, as the said Merchants Ships, were delivered to the *French King*, without sufficient Security or Caution for their re-delivery.

The

That the said Duke, contrary to the Purpose of his Majesty, and his Zeal for the True Religion, knowing that the said Ships were intended to be imployed by the *French K.* against those of the same Religion at *Rochel*, and elsewhere in *France*, did procure the said Ship Royal, and compel the said six other Ships to be delivered unto the *French King* to be imployed by him as aforesaid; and the said Ships were so imployed accordingly: And yet the said Duke, in abuse of the Parliament held at *Oxford* in *August* last, did there declare before the Committee of both Houses, That the said Ships were not, nor should be so imployed against those of the said Religion.

2 Car.
Artic. 8.
To be imployed
against Rochel.

These three Articles were aggravated by Mr. *Glanvil*, who said, The sixth Article being a Charge different from the other two, he would handle it by it self; but the other two together, they being rather several parts of one Charge than several Charges. As to the sixth Article, he said, That in a Treaty 18 *August* 1684. between King *James* and King *Philip* the 3^d of *Spain*, it was agreed that there should be perfect Amity and Peace between the two Kings, their Heirs and Successors, and their Subjects; and that either Party should abstain from all Depredations and Spoils, and if any should happen, Restitution should be made: That all Commissions of Reprizal and Mart should be revoked and void, and free Commerce should be between their Subjects. This Treaty continuing, his late Majesty King *James* by his Letters Patents of *Septemb.* 14. *Anno* 13 of his Reign, did grant to the *East-India Company*, That if they were justly provoked in the defence of their Persons, Goods or Ships, or for the Recovery of them, they might take the Persons, Ships, or Goods of any Prince or State, by whose Subjects they should sustain any Wrong or Loss; and some Years after, there being some Violence offered by the King of *Spain's* Subjects in *East-India* to the *East-India Company*, the Company, considering the great Delay they should meet

An. 1626. meet with if they should seek Redress in *Spain*, did, on pretence of the said Letters Patents, take some Goods of the *Portuguese* in the *East-Indies*, Subjects to the King of *Spain*; and afterwards some other Goods of the *Portuguese* were taken at *Ormuz* by Capt. *Blith*, Capt. *Wedel*, and others, being Servants, and in pay under the *East-India* Company.

In *July* 1623. two Ships call'd the *Lion* and the *Jonas*, belonging to the *East-India* Company, arriv'd in the *Downs* from *Ormuz*, with Goods to the value of 100000 *l.* and the Duke pretending that most part of their Lading was piratically taken at Sea in the Parts about *Ormuz*, and that a Tenth, or some other great Share thereof, did belong to him as Admiral, there were divers Treaties between him and his Agents, and the Company, about the same. But the Company being advised by their Counsel, that no such Share belonged to him, and therefore not complying with him, the said Duke knowing the Company had then four Ships and two Pinnaces laden with *Spanish* Mony and Merchandize, being with their Lading of above the Value of 100000 *l.* and ready to set sail for a Voyage into the *East-Indies*, the first of *March* 21 *Jac.* and well knowing that if they did not set sail about that time, or within twenty days after, their Voyage would be utterly lost for that Year, the reason whereof depends on the Winds call'd the *Mansounds*, which are constantly six months Easterly, and six months Westerly every Year in those parts of *Africa*, about the Cape of *Bon Esperance*; of which Winds all Ships going from hence to the *East-Indies* are to make their use by coming to the Cape in the proper Season, and in so long and dangerous a Voyage it's no discretion to stay the utmost time in going from hence; nor can the Lord Admiral of *England* be admitted to pretend himself ignorant of this Matter. The Duke knowing how great a hindrance and loss it would be to the Company, if their Ships and Pinnaces should be staid,

staid, did, on the first of *March* 1623. put their Lordships, sitting in Parliament, in mind that a speedy Resolution was necessary upon the dissolving of the two Treatys with *Spain*, that we might not lose the benefit of the Spring; and thereupon moved that House, whether he should make stay of any of the Ships in the Ports, and particularly of the said *East-India* Ships. Which Motion being approved of by the House, who knew nothing of the Duke's Design (the same Motion being made the same day in the Commons House by Sir *Edward Seymour*, the Duke's Vice-Admiral for *Devon*) the Duke caused the Marshal of the Admiralty to make stay of the said Ships and Pinnaces; but tho pretended to be for the Defence of the Realm, not any other Ship was then staid. And upon the Companies Application to the Duke, he denied he had been the cause of their stay, and bid them offer some Reasons for their Releasment, and he would acquaint the House therewith. But failing in his main Design (Mony) he procured the King's Advocate on the 10th of *March*, to make allegation in the Admiralty on his behalf. That by several Examinations it appeared, that 150000 *l.* and more piratically taken by Capt. *Blith*, and Capt. *Wedel* about *Ormuz*, and elsewhere, were in the possession of the Treasurers of the *East-India* Company, and a Warrant issued out of the Court of Admiralty for attaching the same in their hands; which was done, and they admonished to bring the said 150000 *l.* into Court: So that the Company being violently prosecuted about it, and the Duke protesting the Ships should not go unless they compounded with him; and pretending that the Parliament must be moved before they could be discharged; and the Voyage being like to be lost, the Company being thus intangled by the Duke, and overcome at last, was drawn to offer him 6000 *l.* Which being rejected as a base Offer, they were drawn at length to offer him 10000 *l.* which at first he would not accept of, but at last did,

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did, and then got the said Order countermanded by the Lords, and crossed out of their Book; and afterwards the 10000 *l.* was paid the Duke, and he suffered a colourable Sentence in the Admiralty to be given against him for their Discharge, and sealed a Release to the Company. But for taking off all aspersion from his Majesty, who, the Duke said at a Conference of both Houses, had 10000 *l.* in this Business; 'tis true that the Company being liable to be questioned about the said Monies and Goods which were taken from the *Portuguese* while the Peace continued, they gave his Majesty 10000 *l.* for his Pardon, which it well stood with his Honour to grant for that Sum; and yet we find this 10000 *l.* also came to the hands of Mr. *Oliver* the Duke's Servant, but it appears not that it ever came to the King's use: And this Oppression fell upon the Company, soon after what befel them in *Ambogna*, which might have moved a noble Mind rather to pity than punish them.

The Duke's Offence is his unjust extorting of 10000 *l.* from the *East-India* Company against their Wills, by colour of his Office. His colour was, the Release of his pretended Right to the Tenth, or some other share of Goods supposed to be piratically taken at Sea; but if such Pretence were unsound, it was a naked Bribe and unjust Extortion. Now, 1. a Pretence of Right by the Duke will not excuse him. 10 R. 2. The Commons preferred divers Articles to the Lords in Parliament, against *Michael de la Pool* Earl of *Suffolk*, Lord Chancellor of *England*: One was, That he refused to give Livery to the Master of *St. Anthonies* of the Profits belonging to that Order, till he had enter'd into a Recognizance of 3000 *l.* for the paiment of 100 *l.* per *Annum* to the Earl, and *John* his Son for their Lives. The Earl set forth a pretended Title in his Son to the Mastership of that Order; and alledged that he took the 100 *l.* per *Annum* as a Composition for his Right. In conclusion, the pretended Right of his Son not appearing just, the Offence remained single

single by it self, and was a Sale of Law and Justice: And the Earl for this, among the rest, was sentenced and greatly punished. And of late the Earl of *Middlesex*, sometime Ld Treasurer of *England*, being charged by the Commons before their Lordships in Parliament, for taking 500*l.* of the Farmers of the Customs as a Bribe, for allowing such Security for payment of their Rent to his Majesty, which without such Reward he had refused to allow of; the Earl pretended that he had 1000*l.* of them in all for a Release of his Claim to 4 two and thirtieth Parts of that Farm. But it appearing upon proof, that he had not any part of that Farm, it was 13 May 22 Jac. adjudged by their Lordships in Parliament, That the Earl for this, among other things, should undergo many grievous Censures. 2. The Duke had no Title to any part of the Goods, if his own Allegation be true, that they were piratically taken; for no Share of such Goods belongs to the Admiral: For that, 1. by the Law of Nations, the Parties from whom they were taken ought to have Restitution. 2. And so they ought by the Laws of the Land, especially by 27 E. 3. 13. which provides, That if any Merchant, Privy or Stranger, be robbed upon the Sea, and the Goods come afterwards into this Realm, the Party should be restored to them: And in the Act of Parliament of E. 6. touching Sir *Thomas Seymour* Lord Admiral of *England*, he is charged, That he had converted to his own use Goods piratically taken, whereby he moved all Christian Princes, by open War, to seek Remedy; and for this, among other things, he was attainted of High-Treason. But suppose the Duke had a Right in this case, yet the manner of seeking to recover it is a high Offence: 1. In making the most Honourable House of Parliament an Instrument for his private Profit. 2. In arresting the Ships of Men not likely to fly, but able to answer his Suit, tho the Ships had gone their Voyage. 3. In urging them so extremely to bring in such a Sum on a sudden. 4. In reducing the

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the Company to that strait, that it was as good for them to compound, tho the Duke had no Title, as to defend their just Right.

As to the Seventh and Eighth Articles, which he handled but as two several Parts of one and the same Charge, he thus proceeded.

There being in or about 22 *Jac.* a Treaty with the *French* King for a Marriage between our now King and Queen, and for entring into a War with the King of *Spain* and his Allies in *Italy*, and the *Valtoline*; King *James* passed some Promise to the Marquess *D'Effiat* the *French* Ambassador here for lending some Ships to be imployed by the *French* in that Service, against *Genoa*, but not with the least intent of imploying them against the *Rockellers*, or any others of our Religion in *France*: And some of our Religion there having intimated that the *French* King's true Design was to imploy them against the *Rockellers*, our King grew so cautious, that he ordered the greater part of the Men should be *English*. And the Duke being Lord-Admiral, caused to be made ready for the Service of the *French* King, the *Vanguard*, a Ship of the Royal Navy, and seven other Merchants Ships which he impressed, being the *Great Neptune*, one other of 450 Tuns, one other of 350 Tuns, three others each of 300 Tuns, and one other of 45 Tuns. About the same time a Contract was made by Sir *John Cook*, and other the Commissioners of the Navy, as on behalf of his Majesty, for his said Ship the *Vanguard*, and on behalf of the Captains, Masters, and Owners of the said seven Merchants Ships, but without their privity or direction, for the Service of the *French* King: And Sir *John Cook* drew the Instructions for the same, which were allowed by the late King, wherein (as Sir *John Cook* alleged to the House of Commons) there was care taken that the *Vanguard* should not serve against *Rochel*, or those of our Religion, nor take in more *French* than she could master. But whether the Instructions were so for the Merchants Ships,

Ships, appears not. Nevertheless a Form of Articles, dated *March 25. 23 Jac.* were impressed and made ready to be sealed, without the knowledge of the Captains, Masters, and Owners of the Merchants Ships, between the said Marquess *D'Effiat*, and the said several Owners, to this effect, viz.

1. That their Ships, with a certain number of Men for every of them limited, with their Ordnance, Munition, &c. should be ready for the *French King's Service* the thirteenth of *April* then next.

2. To be under a *French General* as Captain of each Ship.

3. To serve the *French King* against any but the King of *Great Britain*.

4. To take in as many Soldiers as they could carry.

5. To continue six months, or longer, in the Service, so it exceed not eighteen months.

6. The *French* to have the absolute Command in Fights and Voyages.

7. Every Owner shall have a months Freight in hand, and two months more within fifteen days.

8. The Ships to be ready in a certain Form prescribed at the end of the Service.

The Owners, Captains, and Masters were suddenly pressed to seal these Articles, and were discharged of their Imprest for his Majesty, as being to serve the *French King*, and three months pay was given them beforehand. But they questioning, 1. Against whom they should be employed? 2. What Foreign Power they were to take into their Ships? 3. What Security they should have for their Freight, and Re-delivery of their Ships? there were Instructions given Capt. *Pennington* Captain of the *Vanguard*, for him and the whole Fleet (pretended to be private, but with a design they should be divulged) not to serve against those of the Reform'd Religion, nor take in more *Frenchmen* than they could master. Which was an Artifice of the Duke to draw the Ships into *France*,

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and to conceal the Matter in *England*; and (the Marquess *D'Effiat* having sealed one part) the Owners of the Ships were, by this cunning Contrivance, drawn to seal the other parts of the said Articles; they presuming they should not be tied to the strict performance thereof, for that the private Instructions were to the contrary: And the Duke call'd the Companies aboard, to go to such Port as the *French* Ambassador should appoint.

Thereupon Capt. *Pennington* being Admiral, in *May* 1625. went with the *Vanguard*, and seven Merchants Ships to *Diep*, where the Duke of *Montmorency* Admiral of *France* would have put aboard each Ship more *French* Soldiers than her proper Company could master; and told the Captains and Owners plainly, they were to serve against *Rochel*: whereunto they shewing themselves averse, Chains of Gold and other Rewards were offered to some of them; which they refused, all protesting they would take in no more *French* than they could command. And the Company of the *Vanguard* by their Petition acquainting Capt. *Pennington* with this Overture to serve against *Rochel*, he and the rest by a general Assent returned back to the *Downs*; and from thence Capt. *Pennington* sent a Letter to the Duke by one *Ingram*, with the Petition, praying to be discharged of that Service; and *Ingram* saw the Duke read both Letter and Petition, whereby he had full notice of the Design of the *French*. And *James Moyer* Captain of one of the seven Ships, came and inform'd the Lord *Conway* and Sir *John Cook* with what had passed at *Diep*, who acquainted the Duke therewith. Notwithstanding which the Lord *Conway*, by the Duke's means, sent a Letter to Capt. *Pennington*, dated *July* 10. 1625. signifying that his Majesty had left the Command of the Ships to the *French* King, and that he should take in as many Men as that King should please; the King and Council in the mean time knowing nothing of the Passages at *Diep*, or of the

the Design for *Rochel*; but thinking it had been for *Genoa*, until some came from the Duke of *Roan*, and other Protestants in *France* to sollicite the stay of the Ships: To whom the Duke of *Buckingham* affirmed, That his Master was obliged, and the Ships should go. Afterwards about *July 15. 1625.* there was a Treaty at *Rocheſter* between the *French* Ambassadors, and the ſaid *James Moyer*, and *Anthony Touchin* Captain of another of the seven Ships, for themselves and the rest of the Captains and Masters, where the Ambassadors offer'd *Moyer* and *Touchin* an Instrument purporting,

1. That the Captains and Companies should serve the *French* King against all but the King of *Great Britain*.

2. That the Ships should be warranted by the *French* King against all Hazards of Sea-fight; and this should be confirmed by good Caution in *London*, within fifteen days after the delivery of the Ships.

3. That the *French* King might take any Men out of the Ships, but without any diminution of Freight.

But *Moyer* and *Touchin* answer'd: 1. They would not serve against *Rochel*. 2. Nor send their Ships without good Warrant. 3. Nor without sufficient Security for their Freight and Re-delivery, they utterly refusing the Instrument. But the Duke being then at *Rocheſter*, commanded *Moyer* and the rest, before the Ambassadors, to obey the Lord *Conway's* Letter, and return to *Diep* to serve the *French*, for so was the King's Pleasure, yet privately told them, the Security formerly offer'd, or given by the Ambassador, was insufficient; and tho they went to *Diep*, they might keep their Ships, till they had made their own Conditions. And the Ambassadors made *D'Effiat* their Deputy to contract with the Captains and Masters at *Diep*; and *D'Effiat* went over thither, whom the Duke instructed how to circumvent them there, and sent over with him his

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Secretary Mr. *Edward Nicholas* to procure them to deliver their Ships upon the Security offer'd at *Rocheſter*, who was very urgent with them therein; and to force them thereunto, *D'Effiat* enter'd a Protest and Suit there againſt the Captains and Maſters upon their original Articles.

About *July 20.* the Captains and Maſters came over again to *Diep*, where they found the Protest enter'd againſt them; and Mr. *Nicholas* in the King's Name vehemently preſſed the delivery of the Ships, which they refuſing to do, Adverſement thereof was ſent to the Duke of *Buckingham*: And *July 27. 1625.* Sir *Ferdinando Gorge*, *Touchin*, *Moyer*, and the other Captains and Owners of the ſeven Merchants Ships, expreſſed in writing their Reſolutions, not to quit their Ships till they had made their Conditions; and particularly pray'd, 1. To be free of the Protest. 2. To have Security by Mony depoſited in *London*, without Revocation. 3. That before they deliver their Ships to a Foreign Prince, which concerneth their very Lives, they may have a Warrant under the Great Seal. 4. That they be freed of their Bonds for not ſelling their Ordnance, for that the firſt Articles were wholly broken, and new Articles were to be made. This Writing being ſent by Mr. *Baſſet Cole* to the Marquiſs *D'Effiat* at *Diep*, the Marquiſs ſhewed him a Letter from the Duke of *Buckingham*, promiſing him he ſhould have the Ships: And the next day, *July 28. 1625.* Mr. *Nicholas* came on board the *Neptune*, and declar'd he was ſent over by the Duke to procure the delivery of the Ships, and crav'd the Captains and Maſters Answer in Writing whether they would conform to the Lord *Conway's* Letter, and to the Inſtrument prepar'd at *Rocheſter*: And Sir *Ferdinando Gorge*, the Captain, and the reſt declar'd in Writing, that they were willing to obey our King, but held not the Security offer'd at *Rocheſter* to be ſufficient, and therefore refus'd to deliver their Ships without Caution by Merchants of *Paris* to be transferr'd

ferr'd to *London*, irrevocable, and such as might not be protected by Prerogative, and to have this under the Hands and Seals of both Kings. All this while our King and the Body of the Council knew of nothing but of the pretence against *Genoa*, and believ'd all that had passed between the *French* and us had been done with full and good Caution: And the Captains and Masters finding themselves thus pressed by Mr. *Nicholas*, declared to the Marquis in Writing, that until they had Security they would not quit their Ships, and sent him a Valuation of them, and demanded a performance of all they had propos'd by Mr. *Nicholas*, save only for the Security by Mony deposited. But *D'Effiat* relying on the Duke of *Buckingham's* Promises, would not consent to these Demands, but protracted the time till he heard from the Duke: And a Letter coming to Court *July* 28. from one Mr. *Larking* a Person imploy'd under some Minister of ours in *France*, intimating that the Peace was concluded with those of our Religion in *France*, and that within fourteen days the War would break out in *Italy* with a design upon *Genoa*, which (as was alledg'd) was confirm'd by the Ambassadors of *Savoy* and *Venice*; the Duke taking advantage of this, drew the King the same day to write a Letter to Capt. *Pennington* then in the *Downs*, commanding him to consign the *Vanguard* into the hands of the Marquis *D'Effiat*, and by all forcible means even to sinking to compel the seven Merchant Ships to put themselves into the Service of the *French* King. Whereupon in the beginning of *August* Captain *Pennington* went over again to *Diep*, carrying with him his Majesty's Letter, and certain Instructions from the Duke to Mr. *Nicholas*, who affirm'd he did nothing but what was warranted by the Duke's Instructions, which, if true, then the Duke is guilty of what was acted by Mr. *Nicholas*: And if there were any subsequent Assent of the Council, or any Counsellors of State, it was obtain'd only for a Colour, and by Misinformation,

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or by concealing the Truth. And Mr. *Nicholas* threatned the Captains and Masters of the Merchants Ships in such manner, telling them it was as much as their Lives were worth if they deliver'd not their Ships to the *French*; that two of them were once resolv'd to have brought their Ships into the *Downs*, and to have fled themselves into *Holland*. When Capt. *Pennington* came to *Diep*, he deliver'd up the *Vanguard* for the *French* King's use, and requir'd the rest of the Fleet to do the same, shewing them his Majesty's Letter, which they all refused to do without Security for re-delivery of their Ships; and weighing Anchor to be gone, Capt. *Pennington* shot at them and forced them to yield; and he and the *French*, who now commanded the *Vanguard*, coming aboard them, and proposing the Town of *Diep* for their Security, they all went ashore except Sir *Ferdinando Gorge*, who with his Ship the *Great Neptune* adventur'd to come away; the rest accepted of the Security offer'd, viz. August 15. 1625. The Marquis *D'Effiat* promised that the *French* King within fifteen days after he had possession of the said Ships, should give sufficient Caution in *London* for 213000 Livers, viz. 50000 l. at which the Ships were estimated; and the Commonalty of the Town of *Diep* bound the Goods of the said Commonalty that such Security should be given in *London* accordingly: And the next day the Marquis *D'Effiat*, as Ambassador, and by virtue of a Deputation from the Duke of *Chevereux* and Monsieur *Villocleer* the Extraordinary Ambassadors at *London*, by a publick Act promised the Captains and Owners to give sufficient Security in *London* within the time limited for the said 213000 Livers. But the *English* Mariners being now to be discharged, the Freight formerly agreed on was to be paid but for six Months; and if the Ships were to be us'd longer, the Freight was to be paid according to a new Agreement, and *D'Effiat* bound the Goods of himself, and the other two Ambassadors for performance; whereupon

upon all the seven Ships (except the *Great Neptune*, who was gone in Detestation of the Action) were deliver'd into the absolute possession of the *French*, and not one of the *English* (except a Gunner) would stay to serve against the *Rochellers*. After which the Ambassador dealt earnestly with them for the Sale of their Ships; and *Mr. Nicholas* at his coming from *Diep* receiv'd from him a Diamond Ring worth fifty Pounds, and a Hatband set with Sparks of Diamonds, worth 100 Marks; a small Reward, yet more than he deserv'd.

Capt. Pennington return'd for *England*, and came to *Oxford*, where the Parliament was sitting; and the Duke knowing all the Premises to be true, did not only conceal the same, but at a Conference of both Houses, *August 6. 1625.* boldly told them, that it was not always fit for Kings to give account of their Counsels, and that about five of the six Months were already past, and yet the said Ships were not imploy'd against *Rochel*, advising them to judg things by the Event: whereby he highly abus'd the Lords and Commons, who did thereupon forbear petitioning the King for redress; the Ships, tho deliver'd to the *French* King, being not then actually imploy'd against *Rochel*, *Capt. Pennington* who could have discover'd the whole truth, being in the mean time kept conceal'd by the Duke's means in *Oxford*; and *August 12.* the Parliament was dissolved. And about *September 25.* the Ships were actually imploy'd against the *Rochellers* and their Friends; it being reported by some of the *French*, that the *Vanguard* mow'd them down like Grass, to the dishonour of our Nation, and scandal of our Religion. If the Ships be come home since the sitting of this Parliament, it hath been procur'd by the Duke to colour the matter; and the only *English*-man that stay'd and serv'd against the *Rochellers*, was at his return slain in charging a Piece of Ordnance.

In *February 1625.* *Monfieur de la Touche* a

An. 1626. French Protestant, discoursing with Mr. Sherwell, a Member of the House of Commons, and repeating what the Duke had said to him the last Summer touching these Ships, thereupon used these words, *Ce Duque est un meshant homme.*

In this Narrative of the Fact may be observ'd several Offences of the Duke; 1. Betraying a Ship of the Royal Navy into a Foreign Prince's hands. 2. Dispossessing the Subjects of their Ships and Goods, first, by Subtilties, then by open Violence. 3. Breaking the Duty of Admiral and Guardian of the Ships and Seas. 4. Varying from his original good Instructions. 5. Violating the Duty of a sworn Privy-Counsellor. 6. Abusing both Houses of Parliament by a Misinformation. 7. Prejudicing the Affairs of those of our own Religion: Offences of an high nature. By the Statute of 2 & 3 E. 6. it is recited, That the Duke of *Somerset* suffer'd not the Peers of *Newhaven* and *Blackerst* to be furnished with Victuals and Mony, whereby the *French* were encouraged to invade and win the same; and for this Offence among others, it was enacted, That a great part of the said Duke's Land should be taken from him. And if Nonfeasance, tending to the loss of a fixed Castle, be an high Offence, the actual putting a Ship Royal (which is a moving and more useful Castle) into the hands of a Foreign Prince, is a greater Offence. And as to his abuse of the Parliament (the highest Court of Judicature) it is enacted by the Statute of *Westm.* 1. cap. 30. That such as seem to beguile Courts of Justice, shall be fore-judged of the same Courts and punished.

Then the Ninth and Tenth Articles were read, viz.

Artic. 9. That the said Duke hath enforced some that were rich (tho unwilling) to purchase Honour, as the Lord R. Baron of T. who about October 22 Jac. was by the Duke and his Agents drawn up to London, and so threatned and dealt with, that he paid 10000 l. to the Duke, and to his use; for which the Duke in January after procur'd him the Title of Baron R. of T. That

His compelling the Lord R. to take a Title of Honour, and to pay 10000 l. for it.

That the said Duke about *December 18 Jac.* did procure of the said King the Office of High-Treasurer of *England* to the Lord Viscount *M.* for which the Duke receiv'd of him 20000*l.* And about *January 16 Jac.* did procure of the said King the Office of Master of the Wards and Liveries to and for Sir *L. C.* afterwards Earl of *M.* for which the Duke had to his own use, or to the use of some other Person by him appointed, 6000*l.*

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Artic. 10.

His selling the Offices of Lord-Treasurer for 20000*l.* and of Master of the Wards for 6000*l.*

These Articles, as also the Eleventh Article, were thus aggravated by Mr. *Pym*: He said, The matter of Fact was notorious, and he should only insist upon the Consequences: That, 1. The Duke had hereby committed a great Offence. 2. That this Offence hath produced a great Grievance to the Commonwealth. It was an Offence, because against his Duty, he being a sworn Servant and Counsellor to the King, whose Honour and Service he should have prefer'd before his own Interest and Pride: And great Men have been question'd in the like cases; for some Laws there are which are coessential with Government, and such is that Rule of suppressing Vice, and encouraging Virtue, by apt Punishments and Rewards; and this is a Law fittest to be insisted on in a Court of Parliament, where matters are to be adjudged as they stand in opposition or conformity with *suprema Lex salus Populi*: That whoever moves the King to confer Honour, binds himself to make good a proportion of Merit in the Party: And as 'tis perpetual, and descending upon their Posterity, so there ought to be in the first root of this Honour some such active Merit as might transmit a vigorous Example of Virtue to their Posterity. Honour is a Divine thing, insomuch as a Temple was dedicated to her by the *Romans*. The Scripture calls Kings Gods, and then those that are about Kings must needs be resembled to those Powers and Principalities that attend next the Throne: And if Honour be Divine, it must not be bought with so base a Price as Money; but

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as it is a publick thing, so it ought to be the Reward of publick Deserts. He said, This Sale of Honour, 1. Makes a Flower of the Crown cheap to all Beholders. 2. It takes from the Crown the most frugal way of rewarding Desert; for when Honour comes to be sold, no great Man will look after it. 3. It's the way to make Men more studious of Gain than of Virtue. 4. It confounds the meaner with the more refined Metal. 5. It's a prodigious Scandal to this Nation (as the House of Commons think): For Precedents he was confident there were none; but it's time to make this great Duke a Precedent, who thinks he cannot shine enough unless he dim their Lordships Honours by making them contemptible: That he must observe another step of Unworthiness in this Gentleman, that he hath compelled Men unwilling to take Titles of Honour; not but that the House of Commons conceives that Noble Person whom this concerns, was worthy of this Honour, if he had not come to it this way: And it seems strange to them, that this great Man, who is the principal Patron of a *Semipelagian* and a Popish Faction, whose Tenets are Liberty of Free-will, should not admit of Liberty in Moral Things, but compel one to take Honour whether he will or no. If it be objected, That 5 H. 5. *Martin Babington*, and others call'd to be Serjeants, declin'd it, yet upon the Charge of the Warden of *England* they appear'd to their Writs; and that there is a Writ in the Register, that some by reason of their Tenures may be compell'd to be made Knights: 'Tis true, that by the Common Law Men fit for Employment may be drawn forth for the good of the Commonwealth; but that any Man for his own Gain should force another to take Degrees of Honour, is without Example; and why may he not as well compel him to take his Lands at what Price he will, or to marry his Children as it pleaseth him?

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As to the tenth Article, he from the House of Commons said for his Majesty's Honour, That since his coming to the Crown, there have been Men of as great Parts and Learning advanced in Church and Commonwealth as heretofore. And for the first of the Lords named in this Article, they intend no Reflection on him, but think him worthy to have been advanced without any price, and to have kept it longer. Now for the Matter of this Article, the sale of Places of Judicature; *Magna Charta*, cap. 29. saith, *Nulli vendemus, nulli negabimus justitiam*. But if any use the King's Favour to procure Places of Judicature for Mony, they make Justice it self saleable, for he that buys must sell: And the ill Consequences are these; 1. Unfit Men will be sure of being first preferred. 2. Suits will be increased, that their Profit may be increased. 3. Men will study for Mony, not Learning. 4. The best Purges, tho the worst Causes, will always overcome. 5. They will make the best of their Places, *vis & modis*; and the great Man that sold them, must uphold them in their Bribery. 6. Good Men will be turned out of their Places, to make a vacancy for a Purchaser. *Aristotle* in his *Ethicks*, lib. 5. cap. 8. tells us, Among the *Thebans*, no Merchant was suffered to have any Place of Government, because they were used to buying and selling, lest they should sell Justice. Pope *Pius Quintus* made it confiscation of Goods to buy any Office; and he and Pope *Gregory* the 13th, condemned the Buyers to be great Sinners. The Statute of 5 H. 6. condemns the Seller as well as the Buyer. And by the Statute of 2 & 3 E. 6. one thing for which the Duke of *Somerset* was to forfeit his Estate was, for selling of Places for Mony. And just it is, that they who pretend to be Patriots, and yet shew by their Actions that they aim at their own Lucre, should return into the Publick Treasury what they have unjustly gotten.

Then the Eleventh and Twelfth Articles were read, *viz.*

That

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Artic. 11.
His procuring
Titles of Ho-
nour for his
Kindred and
Allies.

That the said Duke hath within ten Years last past, procured the Title of Countess of *Buckingham* to his Mother, the Title of Earl of *A.* to his younger Brother *Christopher Villiers*; the Titles of Baron of *N. P.* Viscount *F.* and Earl of *D.* to his Sister's Husband Sir *W. F.* the Titles of Baron of *S.* and Viscount *P.* to Sir *John Villiers* elder Brother to the said Duke, and divers more of the like kind to his Kindred and Allies; whereby the said Persons being of small Estates, are like to be burdensom to the King, notwithstanding the Grants the Duke hath procured to support their Dignities.

Artic. 12.
The vast Estate
he got from the
Crown in Lands
and Monies.

That the said Duke 14 *Jac.* did obtain a Grant of divers Mannors, Parcel of the Revenue of the Crown, to the yearly Value of 1697 *l.* 2 *s.* 9 *d.* ob. *q.* old Rent, part whereof amounting to 747 *l.* 13 *s.* 4 *d.* was rated at 32000 *l.* tho of a far greater Value: And in 16 *Jac.* procured divers other Mannors annexed to the Crown of the yearly value of 1200 *l.* old Rent (*prout per Schedule annexed*). In the Warrant for passing which Lands he got unusual Clauses, *viz.* No Perquisites of Courts to be valued, and all Bailiffs Fees to be re-prized; which Precedent to the Damage of the Crown others have since followed. And afterwards the Duke surrendered to his Majesty parcel of the said Mannors and Lands, to the Value of 723 *l.* 18 *s.* 2 *d.* ob. *per annum.* In consideration whereof he procured other Lands of the late King to be granted to several Persons, and hath caused Tallies to be struck for the Consideration Mony in the Receipt of the *Exchequer*, as if it had come to his Majesty's Coffers, whereas the Duke hath received the same to his own use; besides other exceeding great Sums, the Monies of the late King (*prout per Schedule annexed*): And hath obtained several Privy Seals from his late and his now Majesty, for the payment of great Sums to Persons by him named, as if for secret Services, tho for his own Use; and other Privy Seals for the discharge of them, without

out accompt; and under colour of free Gifts from his Majesty, hath gotten into his Hands great Sums intended for the furnishing and victualling the Royal Navy. By which means the ordinary Course of the *Exchequer* hath been broken, and such a confusion and mixture made between the King's Estate and the Duke's, as cannot be cleared by any Entries or Records. And 16 & 20 *Jac.* he procured several Releases from the said King of divers great Sums of Mony by him received.

These Articles were enlarged by Mr. *Sherland*. He said, the Charge concerning Honours was double. 1. Perverting the antient Course of attaining Honour. 2. Compelling Men unwilling to purchase Honour. He protested the House of Commons repined not at their Advancement, upon whom these Honours were conferred, but think them worthy, yet wish their Virtues had solely raised them; said, That if the Duke (as he alledges for himself) was not the first Introducer of this Trade and Commerce of Honour, yet he was the first who defiled this Virgin-Honour so publickly; and both the nature of Honour, which is a Beam of Virtue, and the Subject of Honour, which is Merit, shew it is an Offence. He said, the selling of Titles of Honour is prejudicial,

The 11th and 12th Articles enlarged by Mr. *Sherland*.

1. To the Noble Barons of this Kingdom. The Baronage of *England* hath longer upheld that Dignity, and doth yet retain a greater Height than in any other Nation: They are a Court of the last Resort; Counsellors of State, and Law-makers by Birth and Inheritance. And when a Man not qualified is admitted a Member, it's a prejudice to the whole Body: As Water put into Wine, imparts to the Wine some of its infirmity and coldness.

2. To the King: For Honour when made ordinary, becomes an incompetent Reward for extraordinary Virtue.

3. To

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3. To the Kingdom: The Barons were wont to be assistant in Foreign and Domestick Actions, in their Persons, and by their Retinue and Tenants, and are called by *Bracton*, *Robur Belli*. But how can they be so who have no Tenants, and are hardly able to maintain themselves? and instead of assisting the State, are become a great Burden to it by Gifts and Pensions, and yet stand in need of more. This makes the Duke's Offence the greater, who not contented alone to consume the Publick Treasure, hath brought in others to help him; for by enlarging their Honours, he hath enlarged their Necessities, and their Appetites. He cited two Precedents; the one 28 *H.6.* where the Commons complained, That *William* Duke of *Suffolk* had procured one who had married his Niece to be made Earl of *Kendal*, and obtained for him 1000 *l. per annum* in the Dutchy of *Guienne*; and yet this was the Son of a noble and deserving Father: What Punishment then is he worthy of that hath advanced so many? The other 17 *E. 4.* *John Nevil* Marquess *Montague* and Duke of *Bedford*, was degraded by Act of Parliament, because he had not a sufficient Revenue; to which is added, that when Men of mean Birth and small Livelihood, are advanced to high Estate, it occasions Poverty, Roberys, Extortions, Imbraceries and Maintenance.

The Twelfth Article he divided into two general Branches, one concerning Lands obtained from the Crown, the other concerning Mony in Pensions, Gifts, Farms, and other Profits.

As to the Lands he observed, 1. 3035 *l. per annum* old Rent was granted to the Duke, besides the Forest of *Layfield*, of which they had no Value; nor can they find any Schedule of what was granted to him by the late King within ten Years last past. He said it was a great Grievance, that in a time of Necessity so much Land should be conveyed to one Man; and he wished, that when the King bestows any Lands for support of Honour, they might be annexed to the Dignity as they

they were formerly, lest being wasted, the Party repair to the King for a new Support: For if the King's Revenues will not defray the Publick Necessities, the Commons must be the more burdened.

2. He observed the unusual Clauses in the Warrants for passing those Lands; the casual Profits not to be rated, and the Bailiffs Fees to be reprised. He said, (1.) it was Ingratitude and Insatiableness in the Duke, thus to strain the King's Bounty beyond his Intentions. (2.) It was unfaithfulness in him, being a Privy Counsellor, to put the King into a Course so prejudicial to him, by the Duke's concealing the Value of what he bought; and this course hath been ever since pursued in all Grants from the Crown, to the King's continual loss. (3.) The King is hereby not left Master of his own Bounty; for the Quantity perhaps may be treble to what he intended.

3. The third Point is, the Surrender back to the King of part of these Lands, and taking others in exchange, turning the worst upon the King's Hands, after he had sold the best and most vendible: So he might cut down Woods in Franchise, Copy-holds, and make long Leases; and yet when he came to surrender them, the old Rent may remain still: And the Mannor of *G.* in *Lincolnshire* was dismembred, and 17*l.* per annum of the old Rents sold out of it, and then by a Surrender turn'd back upon the King.

4. The Tallies which he caused to be struck in the *Exchequer*, as if the Monies had really come to his Majesty's Use (tho received by himself) amounted to 20563 *l.* 16 *s.* 8 *d.* Whence he observed, (1.) His falshood to the King in this particular. (2.) This was a Device to prevent the Parliament, they carrying the Face of Purchases for a valuable Consideration. (3.) If the Title of the Lands should be questioned, it appearing by Record the King had the Mony, his Majesty was bound in Honour to make Restitution. And if

An. 1626. if it be objected, This was the Purchasers desire for their Security, there is the more cause for an Act of Resumption.

In the second general Branch of this Article concerning Mony, he observed,

1. That the total Sum received by the Duke in ten Years space by free Gifts, Pensions to himself and others, to his Use, Profits of Farms, and by Offices, as the Admiralty and Mastership of the Horse (*prout per Schedule annexed*) amounts to 162995 *l.* besides the Grant of what is made above 3000 *l. per annum* of the Third upon Strangers Goods; and the Moiety of 7000 *l.* out of the Customs of *Ireland*, which he is to pay to the King, but whether paid is doubtful: Hereby the Commonwealth hath been bereaved of the Publick Treasure in a time of great Want, when the Expences of the King's Court can hardly be supplied; his Houses and Castles are unfurnished, the Seas unguarded, and the Coasts subject to the Incursion of Enemies, through want of Provisions for the Navy, which was within his own Charge.

2. The Duke hath procured great Sums to be issued by Privy-Seals to others, on pretence of secret Services, but to his own Use: As 8000 *l.* paid Sir Robert Pye 12 August 1620. who paid it for the Duke's Purchase of *Burleigh*; and 60000 *l.* paid *Burlimach* in *Septemb.* 1625. when the Parliament at *Oxford* was broke up a little before for not supplying the King. He left it to their Lordships considerations, whether this Offence hath not affinity with *Crimen Peculatus* in the Civil Law, where a Man converts the Publick Mony to his own Use, which was Death, and confiscation of Estate, as it was for Mony dedicated to God and Religion; or with that the Civilians call *Crimen falsi*, where a Man shall, *imitatione veri suum commodum alieno dispendio per dolum facere*, which in a Bondman was Death, in another Banishment and Confiscation; or whether their Lordships will estimate it, according to the Sentences given in the

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Starchamber in Cases of Fraud, or as *Covin* at the Common Law; or measure it by that Judgment the Duke hath passed against himself in the Guilt of his own Conscience, by subtilty, concealing his own Injustice and Fraud, and his Majesty's Bounty, as if he durst not avow the Receipt of what he had not merited.

3. He hath received several Sums intended for maintenance of the Navy; whereof there are two Instances, one of 20000 *l.* the other of 30000 *l.* both in *January* 1624. By Privy-Seal they appear to be free Gifts, and then are to be added to the former Total of his Gain; but as is alledged for the Duke, he was only the Hand to convey them to the Treasurer of the Navy. If so, the King hath no means by matter of Record to charge the Treasurer of the Navy, and may lose the benefit of the Statute of 13 *Eliz.* which makes the Lands of the King's Accomptants liable to the Debt.

4. He hath caused such a Mixture and Confusion between the King's Estate and his own, that they cannot be distinguished by the Records and Entries in the *Exchequer*. And whereas there are three Guards set upon the King's Treasure and Accompts; (1.) A legal Impignoration, whereby the Accomptants Estates are liable; (2.) An apt Controlment over every Office; (3.) A durable Evidence and Certainty, for the King can neither receive or pay but by Record: The Duke hath broken through every one of them.

5. He procured two Privy-Seals, the one 16 *Fac.* the other 20 *Fac.* whereby divers Sums secretly received by him to his Majesty's Use, were released; wherein his Subtilty may be observ'd to get that by degrees, which perhaps might not be obtained at once; first, to wind himself into the King's Mony, and then to procure a Release of it. And there be several other Instances which are in the Schedule, tho not in the Charge; as 20000 *l.* receiv'd in composition for the Earl of *M.* his Fine; which cannot be discovered whether

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ther the Duke had part or all, tho it appears by a Privy-Seal it was all intended for the King's Household and Wardrobe. Another is, his endeavour to get the Mony for Prize-goods into his Hands, which he would have had received by his Man *Gabriel Marsh*, who is so ill an Accomptant, that he confessed in the House of Commons, that by Authority from the Duke he received divers Bags of Gold and Silver out of the *St. Peter of Newhaven*, which he never told: but this failing, Sir *William Russel* was the Person intrusted by the Duke.

6. The last Point upon the Charge, is the reduction of the Value of the Land, together with the Mony, into one Total. Now rating the Land at forty years Purchase (which is an easy *medium*, for tho some part of it was sold for thirty, yet the other part was worth more than 100 Years Purchase) 3035 *l. per annum*, amounteth at that rate to 121400 *l.* which being added to the Mony received, *viz.* 162995 *l.* both together make the Sum of 284395 *l.* besides the Forest of *Leyfield*, the Profit made out of the Thirds of Strangers Goods, and the Moiety of the Profit made out of the Customs of *Ireland*: A great Sum, but much greater by its Circumstance; so much of the Publick Mony having never before come into any private Man's hands, the King never having so much want, nor the Subjects ever given greater Supplies, and yet not sufficient: And yet but a small Sum, if compared with the Gain he hath made by the Sale of Honours and Offices, and Projects in *England* and *Ireland*, hurtful to the State, or with his own Profusion; for he confessed before both Houses, that he was indebted 100000 *l.*

He cited three Precedents;

1. That of *Mich. de la Pool* Earl of *Suffolk*, 10 R.2. who was complained of, for that (1.) Being Chancellor, and sworn to the King's Profit, he had purchased Lands from the King at an under Rate, and more than he had deserved. (2.) He had bought

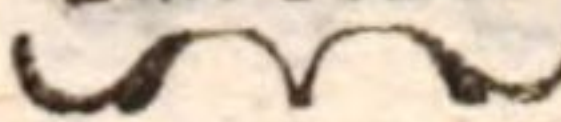
bought of one *Tydmán* an Annuity of 500 l. per annum, which Grant being void, he procured the King to make it good by a new Grant. (3.) He took the Possessions of the Master of St. *Anthony* (who had forfeited them to the King) in Farm at twenty Marks per annum, converting the overplus (a thousand Marks per annum) to his own use.

2. That of *Robert de Vere* of *Oxford*, 11 R. 2. accused for taking Mannors and Lands annexed to the Crown, and for intercepting Subsidies granted for defence of the Kingdom.

3. That of *William de la Pool* Duke of *Suffolk*, 28 H. 6. who was accused, for that he being of Counsel to the King, had procured him to grant great Possessions to divers Persons, whereby the King was impoverished, his Debts unpaid, his Revenues diminish'd, and the Commons extremely charged; and for that the King's Treasure was distributed to himself and his Friends: for which Offences (among others) the said three Persons had Judgments.

Lastly, The thirteenth Article was read, viz. Whereas nothing of Physick or Diet ought to be administred to the Kings of this Realm in their Sickness, without the Consent and Direction of some of their sworn Physicians, Apothecaries or Surgeons: And whereas the sworn Physicians of his late Majesty King *James*, in the time of his Sickness, being an Ague, did give Directions, that nothing should be applied or given to him, by way of Physick or Diet, but by their Advice and Consent; and warned the Gentlemen, Servants and Officers of his said Majesty's Bedchamber, That no Meat or Drink should be given him within two or three hours next before the usual time of the coming of his Fit, nor till his cold Fit were passed: Yet the said Duke, being a sworn Servant of his said Majesty in his Bedchamber, without the privity of the said Physicians, when his said Majesty was in the declination of his Disease, caus'd certain Plaisters to be applied to his

Artic. 13.
His admini-
string Plaisters
and a Potion
to K. James.

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*Enlarged by
Mr. Wandesford.*

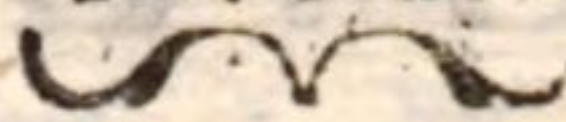
This Article was enlarg'd by Mr. *Wandesford*: He commended the Providence of that Law which makes it penal for Empyricks and others to practise Physick without due Approbation; he said, the ill effects the first Medicine wrought should have dissuaded a second adventure, especially being contrary to the Directions of sworn Physicians present: This would make a Man guilty in the case of a common Person, much more of a King, whose Person is so sacred, that in an attempt upon him, Madness, which towards his fellow Subject would acquit him of Felony, shall not excuse him of Treason. 32 *H.* 6. The King's Physicians and Chirurgeons scrupled to administer any thing to him without the Assent of the Privy-Council, and a Licence under the Great Seal. This Plaister found his Majesty in the declination of his Disease, but Drougths, Raving, Fainting, and an intermitting Pulse soon followed: Strange Effects of a Treacle Plaister; but it had a strange smell, and struck the Malignity of the Disease inward: The Drink was twice given him by the Duke's hands, and the third time refused; and when

when the Physicians, to please him, pretended his Relapse proceeded from some ordinary Cause, *No, no*, said the King, 'tis that I had from Buckingham. It was an Article against the Duke of Somerset, that he carried *Edward* the Sixth in the night-time from *Hampton-Court* to *Windsor*. He said this was an unlawful Act in the Duke, being a young Lord and no Physician: And if a Man in the Execution of an unlawful Act kill another, that makes it Manlaughter, which might otherwise have been but Chance-meddly. And *Bracton* saith, if a Man who is no Physician or Chirurgion undertake a Cure, and the Party die under his hands, 'tis Felony. He concluded, That seeing the Duke had made himself a Precedent, the House of Commons hoped their Lordships would make him an Example.

Sir *John Elliot* made the Epilogue to the Impeachment: He said, their Lordships had heard the Commons Apprehension of the Evils and Dangers, and of the Causes of them, and their Application of them to the Duke of *Buckingham*; his Ambition in getting the greatest Offices of Strength and Power into his hands. There needs no other proof than the Miseries we suffer, and the Regality of our Seas lost or impeached. From hence his Observation must descend to his other Virtues: First, he proposed the inward Character of the Duke's Mind, full of Collusion and Deceit; nor could he express him better than by the Beast call'd *Stellionatus*, a Beast so blur'd, so spotted, so full of foul Lines, that they knew not what to make of it. Such is this Man, who first drew our Merchants to *Diep* to be inthrall'd, then dealt deceitfully with the King, his design being against *Rochel* and the Reform'd Religion; and then with the Parliament, to disguise his Actions. Next, he presented to them his high Oppression, not of Men alone, but Laws, Statutes, Acts of Council, Pleas and Decrees of Court, nay the Pleasure of his Majesty, all must stoop to him: This appears by the Ship *St. Peter*, and those at *Diep*; nay, he uses

Sir John Elliot's Epilogue to the Impeachment.

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the King's great Name to shadow his Design: It had been his Duty not to put them into the hands of Strangers; and if the King had yielded, to have opposed it, and made known to his Majesty the Inconveniencies likely to ensue, and to have reported it to their Lordships in Council, and pray'd their Aid, and if that fail'd, to have protested against it: He said, he heard the Ships were return'd, tho he knew it not; but if he did, that neither excuses nor qualifies the Duke's Offence: The *French* only being in that case to be commend-ed. The next thing is his extorting 10000*l.* of the *East-India* Company, when if the Ships gain'd not the Wind by such a time at the Cape, the Voyage was lost. Here a Lord saying, It was the King that imploy'd him, he protested in the Name of the Commons, it was far from them to lay any Odium or Asperision on his Majesty's Name, they holding his Honour spotless in that business. He said the next thing was his Bribery and Corruption in the Sale of Honours and Offices; that which was wont to be the Crown of Virtue and Merit, being now become Merchandize: He said, it was a wonder how this Man, so notorious in Evil, so dangerous to the State, is able to subsist; but he hath used the help of Art to prop him up; he hath rais'd a Party in the Court, the Country, and the chief places of Government, and hath drawn to himself the whole Power of the Kingdom: He hath exhausted and consumed the Revenues of the Crown, to satisfy the Luxury of himself and others; infinite Sums of Money and a Mass of Land have been heaped upon him, and how imploy'd? upon costly Furniture, sumptuous Feasting, and magnificent Buildings. His attempts go higher to the Prejudice of his Sovereign: The Effects (he said) he fear'd to speak or think, but would conclude this Passage in the words of *Cicero*, *Ne gravioribus utar verbis quam rei natura fert, aut levioribus quam causa necessitas postulat.* He said, their Lordships had an Idea of the Man: In reference to the King, he

was

was the Canker in his Treasure; in reference to the State, the Moth of all Goodness: None so like him as *Sejanus*, who is thus described by *Tacitus*, *Audax sui obtegens, in alios Criminator, juxta adulator & superbus*. To say nothing of his Veneries and Calumniation: For his Pride and Flattery, it is noted of *Sejanus*, that he did *Clientes suos Provinciis adornare*: Doth not this Man the like? *Sejanus* neglected all Counsel, mixed his Actions with those of the Prince, and was often stiled *Imperatoris laborum Socius*. How often hath this Man done so? He said, their Lordships saw the Man, and the Commons conceive, that by him came all these Evils, in him they find the Cause, and on him they expect the Remedies. He concluded with the Censure of the Bishop of *Ely*, 11 R. 1. His Faults were, 1. Luxury. 2. He married his Kindred to the greatest Personages. 3. No business was done without him. 4. He would not suffer the King's Council to advise him. 5. So proud no Man could speak to him. 6. His Forts and Castles he did *obscuris & ignotis Homini- bus tradere*: His Doom was, *Per totam Insulam publice proclamatur, pereat qui perdere cuncta festinat, opprimatur ne omnes opprimat*.

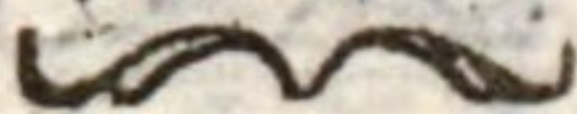
Sir *Dudley Diggs* having made the Prologue, and Sir *John Elliot* the Epilogue, were both by the King's Command committed to the Tower.

Sir D. Diggs and Sir J. Elliot committed.

Upon the Duke's Impeachment, a Paper was privately convey'd to the King, importing, That the Opposers of the Duke, through his sides design against the King himself: And are, 1. Busy Persons. 2. Covetous Landlords, who burden the Commons in Subsidies, and cry out against the Duke. 3. Recusants, who hate him for breaking the *Spanish Match*. 4. Persons indebted, who have Privilege of Parliament. 5. Puritans and Sectaries. 6. Male-contents. 7. Lawyers, with their Antiquities, Records, Statutes, Precedents and Stories. 8. Merchants, who deceive the King of Custom. 9. Innovators. That since *H. 6.* such Parliamentary Discourses have been the Symptoms

Private Suggestions to the King on behalf of the Duke.

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of subsequent Rebellion: That it behoveth the King to uphold the Duke against them; for if they prevail in this, they will pull the other Feathers of Royalty: That the King and his Father are concern'd in the Duke's Accusation; the Actions done in their times being imputed to the Duke; and if he suffers for obeying his Sovereign, the next attempt will be to call the King to an account. These Disadvantages being removed, the Charge against the Duke will appear very empty; and all but two or three things easy to be answer'd, were pardon'd at the King's Coronation.

*King's Speech
concerning the
Duke.*

May 11. the King came to the House of Peers, and told them, The cause of his coming was the sense he had of their Honours, for he that toucheth any of them, toucheth him: That he had taken order for punishing some insolent Speeches lately spoken, tho he had been heretofore too remiss in punishing those which concern'd himself: But *Buckingham* importun'd him to the contrary, lest he should have been thought to have set him on: He said, he himself can be a Witness to clear him in every one of the Matters against him.

*The Commons
Message to se-
cure the Duke.*

The same day the Commons sent a Message to the Lords by Sir *Nathaniel Rich*, That the Duke of *Buckingham* being impeach'd by them before their Lordships, besides a Charge of High-Treason against him by a Peer; they hold it of dangerous consequence that he should enjoy his Liberty, have so great a part of the Strength of the Kingdom in his hands, sit as a Peer, and be acquainted with their Counsels, and desire he may be committed.

*The Duke's
Speech.*

Whereupon the Duke spoke to the following effect: That he knows not what he had done to lose that good opinion the House of Commons had of him not long since; but they have done him a favour to deliver him out of their hands into their Lordships: He protested his Innocence, and desir'd his Trial might be hastened: But now his Accusers do prescribe to their Lordships to
judg

judg him before he is heard, he shall not give way to their unjust Demands, &c.

2 Car.

The Commons upon the Imprisonment of their Members, and the Offence taken by the King at what they said in impeaching the Duke, resolv'd to proceed in no other business till they were righted; and Sir Dudley Carleton observing that unusual and

The Commons discontented at the Commitment of their Members.

(as he term'd it) fullen silence of the House, spake thus: He compar'd the Heaviness of the House to some of his Misfortunes by Sea, where they stuck fast in a Sand, at which the Passengers being much dismay'd, an old experienc'd Mariner said, the speediest way to come out was to know how they came there; and by his Compass finding that by going in upon such a Point they were brought into that strait, they must take a new Point to bring them out of Danger. This House is the Ship, their Messages the Sands, the Commitment the sticking fast of the Ship, and the Book of Orders the Compass: Let the Book be looked into, whether these Gentlemen did not exceed their Orders; if not, they must be defended, but if they did, let them suffer for it; and this is the course to get off from the Rocks. He cautioned them not to make the King out of love with Parliaments, by incroaching upon his Prerogative; for in his Messages he had told them, that he must then use new Councils. In all Christian Kingdoms there were Parliaments antiently, till the Monarchs seeing their turbulent Spirits, stood upon their Prerogatives, and overthrew them all except with us. In Foreign Countries the People look not like ours with store of Flesh on their Backs, but like Ghosts, being nothing but Skin and Bones, with some thin Cover to their Nakedness, and wearing Wooden Shoos on their Feet: A Misery beyond Expression, and that we are yet free from; and let us not lose the Repute of a freeborn Nation by our turbulency in Parliaments. He said, he would tell them what Exception his Majesty takes at the Gentlemen who are committed; for there was none taken

Sir D. Carleton's Speech.

to

An. 1626.

to six of the eight who delivered the Charge against the Duke. His Majesty conceives Sir *Dudley Diggs* went beyond his Commission, when speaking of the Plaister applied to his late Majesty, he said, *He would forbear to speak further of it in regard of the King's Honour*, as if there had been some underhand dealing by his Majesty. And as for Sir *John Elliot*, it was his over-bitterness in the Aggravation of the Charge. He put them in mind, when he (Sir *Dudley Carlton*) moved for putting the *St. Peter of Newhaven* out of the Charge against the Duke; how tender Sir *John Elliot* was of it, which shewed he had *oculum in Cauda*. He said, he was heartily sorry to see his Tartness against the Duke, giving him the Title of *This Man*, and *The Man*. And the Sense of the House being, That the applying of the Plaister was only an Act of Presumption: If he insisted upon the Composition of it, as if *aliquid latet quod non patet*; this was beyond his Commission: And this is that his Majesty doth except against, with some other insolent Invec-tives.

*The Commons
Protestation.*

Sir *Dudley Diggs* being thus charged with the aforesaid Words, the Commons, every one of them in particular for himself, protested before Almighty God, and that House of Parliament, that he never consented that Sir *Dudley Diggs* should speak the words he was charged with, or to that effect, nor hath affirmed that he spake them.

*Sir D. Diggs
released.*

*His Protesta-
tion.*

*The King is
satisfied.*

*But the Duke
dissatisfied.*

Within few days after Sir *Dudley Diggs* being released, came into the House, and protested he never spake the words, and that the King had testified his satisfaction: And the King signified to the House, that he understood by some Notes taken at the Conference, that Sir *Dudley Diggs* did speak the words, but now was satisfied to the contrary. But the Duke affirming to the House of Peers that some words were spoken at that Conference by Sir *Dudley Diggs*, that so far trenched upon

upon the King's Honour, that they were interpreted Treasonable; after much debate, the Lord President and 36 other Lords, viz. eighteen Earls, two Viscounts, six Bishops, and ten Barons, made this voluntary Protestation upon their Honours: That Sir *Dudley Diggs* said nothing at that Conference which did or might trench upon the King's Honour.

Not long after Sir *John Elliot* being released, and coming to the House, the Vice-Chamberlain stood up and said, That the manner of his Speech was too tart and harsh to the Person of the Duke, and that in comparing him to a strange Beast he had exceeded his Commission. That speaking of the Ships from *France*, he said, *They say they are come, but I know it not*, whereas the House of Commons knew it very well. That speaking of the Duke, he said, *That Man*, which in all Languages is a Phrase of great indignity to Persons of Honour: That he made scandalous Comparisons between the Duke and *Sejanus*, and the Bishop of *Ely*, which was besides his Charge; and broke off abruptly with a Sentence of *Cicero*, as if something else might be which was not yet discovered.

Sir *John Elliot* answered, That the Duke's Plurality of Offices, his Fraud in persuading the Merchants to go to *Diep* there to entrap them, in colouring that Design to the King, and abusing the Parliament at *Oxford*, as if the Ships were not to go to *Rochel*; these Particulars he called *Stellionatus* from a Beast discoloured and doubtful, and these he called *a Character of the Mind*. That he doth not yet know the Ships are come, altho he hath heard so. Said, the *Latins* speaking of *Cesar*, called him *ille Cesar*. That he produced none of the Offences of the Bishop of *Ely*, but what were within the compass of his Charge. Nor did he apply the Veneries and Venefices of *Sejanus* to the Duke. That touching the Physick given the King, he brake off so abruptly in aggravation of the Duke's Offence.

It

2 Car.

37 Lords protest in vindication of Sir D. Diggs.

Sir J. Elliot released.

Is charged by Sir Dudley Carleton.

Sir J. Elliot's Answer.

An. 1626.

*Commons Votes
on behalf of the
eight Managers
of the Confe-
rence.*

*E. of Arundel
committed sit-
ting the Par-
liament.*

*Lords Petition
on his behalf.*

It was then resolved on the Question, That Sir *John Elliot* had not exceeded the Commission given him, in any thing that passed from him at that Conference. The like Vote for Sir *Dudly Diggs*: Both these without a Negative. The like Vote passed for the other six Managers.

The King in the time of this Parliament had committed the Earl of *Arundel* to the *Tower*, the Cause whereof was not expressed; but conceived to be the Marriage of the Lord *Maltravers*, the Earl's eldest Son, with the Sister of the young Duke of *Lenox*. The Lords had often petition'd for his Release: And upon Sir *Dudley Diggs* Release, presented another Petition to the King to this Effect:

That they observed the House of Commons had speedily received a Member of theirs: That they were ambitious to deserve, and to appear as much respected in their Rights and Privileges as any Peer or Commons have ever been, and pray the Earl of *Arundel* a Member of their House may be restored to them.

When the Earl was first committed, the Lord-Keeper signified to the House of Peers from his Majesty, That he was restrained for a Misdemeanour, which was personal to his Majesty, and within his proper knowledg, no way relating to Matters of Parliament.

Whereupon the House appointed a Committee to search for Precedents of the Commitment of a Peer in time of Parliament. And the day following the Lord Treasurer delivered another Message from his Majesty; That he doth avow the Message sent them the day before by the Lord-Keeper, and knoweth that he hath therein done justly, and not diminished their Privileges.

The Earl of *Hertford* reported from the Committee of Privileges, That a Question arising, Whether the Proxies deputed to any Peer, who sitteth not himself in Parliament, were of any validity? It was conceived those Votes were lost, whereby that House was deprived of five Suffra-
ges

ges intrusted with the Earl of *Arundel*. And that upon search they found, that no Peer had been committed, sitting the Parliament, without their Order or Consent: And that only one Precedent of the Bishop of *Winchester*, in the Book Case 3 *E. 3.* which was urged, cannot be proved to be in Parliament-time. And the Lord-President reported from the Sub-committee appointed to search Precedents, That the King's Counsel had acquainted them with all they had found in Records, Chronicles and Stories concerning this Matter. Unto which the Lords Sub-committees had given full answer, and shewed such Precedents as maintained their own Rights. And the Precedents being read, it was resolved by the House, *Nemine contradicente*,

That no Lord of Parliament, the Parliament sitting, or within the usual Times of Privilege, is to be imprisoned or restrained, without Sentence or Decree of the House, unless for Treason, Felony, or refusing to give Surety for the Peace.

And a Remonstrance, or Petition, of the House was presented to his Majesty, in which they recited the said Message sent by the Lord-Keeper: Which occasion'd them to inquire what was done in the time of their Ancestors; and after diligent search they find it to be an undoubted Right, and constant Privilege of Parliament, That no Lord of Parliament, the Parliament sitting, or within the usual times of Privilege of Parliament, is to be imprisoned or restrained, without Sentence or Order of the House, unless for Treason, Felony, or refusing to give Surety for the Peace. That they have heard all his Majesty's Counsel could say, which hath been fully answered: Wherefore they pray the Earl of *Arundel* may be admitted to come and sit with them.

*The Lords
Remonstrance
and Petition.*

The King's Answer was, That he would advise of it, and give them a full Answer in convenient time. And, *April 24.* upon the Call of the House, the Lord-Keeper acquainted them, That his Majesty would return an Answer to their Petition

*The King's first
Answer.*

An. 1626. petition concerning the Earl of *Arundel* with all expedition.

Another Answer.

May 2. It was ordered, that the Lord-Keeper should move his Majesty for an Answer: And, *May 4.* the Lord-Keeper acquainted them with his Majesty's Answer, *viz.* That it is a Cause wherein he hath had a great deal of Care, but had been interrupted by other Business (as their Lordships knew) and that he would with all conveniency give them satisfaction, and return them an Answer.

Another Petition.

May 9. The Lords again petition'd the King, That they had long and dutifully attended for a fuller Answer to their former Remonstrance and Petition, and humbly pray'd a gracious and present Answer thereunto.

The King takes exception thereunto.

May 11. The Lord-President reported the King's Answer, *viz.* That he little looked for such a Message from the House: That he had been of the House, but never knew such a Message from one House to the other; and when he received a Message fit to come from them to their Sovereign, they should have an Answer. He further reported, That he humbly desiring to know to what Point of the Petition his Majesty took exception: His Majesty said it was at the peremptoriness of those words, *To have a present Answer.*

And the Reason.

The King's Answer to the Petition.

Thereupon the House altered their Petition, leaving out the word (*present*). And, *May 13.* the Lord-President reported the King's Answer, *viz.* That the word (*present*) was somewhat strange to him, but now he knows their meaning, they should have his Answer so soon as conveniently he could, which should be such as should not trench upon their Privileges.

Another Petition.

May 19. The Lords delivered another Petition to the King, wherein they acknowledged him to be a Prince of as much Goodness as ever King was.

King's Answer.

And, *May 20.* the King return'd Answer, That he sees they acknowledg him a King of as much Goodness as ever was, and he would endeavour never

never to deserve other. But in this they contradict themselves, for if they believed him so, they would not distrust his Promises. 'Tis true, he had delivered a Member of the Lower House; but the Cases are far different, for he was committed for Words spoken before both Houses; which afterwards he found to be words only misplaced, and not ill meant, and therefore he released him: But the Earl of *Arundel* is committed for a Fault not relating to the Parliament, but directly against himself, which most of them know; but he hath things of a far greater Importance to lay to his Charge, which it would much prejudice him to discover as yet, but as soon as possible they should know it, and then they will judge it no breach of their Privileges.

May 24. The Lords presented another Petition to the King, wherein they professed it was far from their Thoughts to distrust him, or press what may not stand with their Duty, and prayed that his Majesty would either restore the Earl to his Place in Parliament, or express such a Cause as may not infringe their Privileges. *Another Petition.*

May 25. The Lord-Keeper delivered the King's Answer in writing, viz. That their often coming about this Matter, made him doubt they distrusted him; but now they rely upon him, he would give them satisfaction at farthest before the end of that Session. *King's Answer.*

Which being read, it was moved, That all Business might be laid aside except that of their Privileges.

May 26. The Lord-Keeper deliver'd a Message, That his Majesty wonders his meaning could be so mistaken, and that his intent is fully to satisfy them: whereupon they adjourned till that day Sevensnight. And the Duke of *Buckingham* offering to move he might have the King's Counsel to plead his Cause, they would not hear him, because they would entertain no Business. *A Message from the King.*

June 2. The House met again, and the Lord-Keeper delivered this Message from the King, viz. That *The Lords adjourn in disgust.*

An. 1626.
 Another Mes-
 sage.

That he hath endeavoured to ripen the Business touching the Earl of *Arundel*, but cannot yet effect it, but would by Wednesday 14 *June* at the furthest, either declare the Cause, or admit him to the House, and sooner if it shall be sooner ripe; but if he stays to the prefixed time, he intends there shall be a good space between that and the end of the Session. Whereupon the House agreed that all Business should cease but this of the Earl of *Arundel*.

Another Mes-
 sage.

June 3. The Lord-Keeper delivered this Message from the King, *viz.*

That his Majesty is desirous to avoid all jealousy of violating the Privileges of this House, and to find out some Expedient that might satisfy their Lordships, and yet not hinder his Service: And tho his great Affairs are urgent, yet he is content they should adjourn till Thursday next, and he will consider of it in the mean time. The Lords gave the King Thanks, and adjourned accordingly.

Thursday, *June* 8. The Lord-Keeper delivered another Message to the Lords, *viz.*

The Earl's Re-
 straint taken
 off.

That his Majesty, to take away all dispute about their Privileges, had taken off the Restraint of the said Earl, whereby he hath liberty to come to the House: And the Earl of *Arundel* being returned to the House, rendered his Thanks to his Majesty and their Lordships.

Mr. Moor com-
 mitted by the
 Commons.

It being reported to the House of Commons, that Mr. *Moor* a Member of that House, had said, *That we were born free, and must continue free, if the King will keep his Kingdom*; adding these words, *Thanks be to God we have no occasion to fear, having a just and pious King*: The House committed him to the Tower; but shortly after, upon his Majesty's Message that he had passed it by, he was released.

D. of Buck-
 ingham chosen
 Chancellor of
 Cambridg dur-
 ing his Im-
 peachment.

While the Duke of *Buckingham* stood charged in Parliament, the Chancellorship of *Cambridg* became void by the Death of the Earl of *Suffolk*, *May* 28. 1626. And the University understanding it was the King's Pleasure the Duke should be chosen,

sen (Letters being pretended to be sent from his Majesty to that purpose) they were ambitious to express their Obedience; several Heads of Houses bestir'd themselves, and Trinity College alone (the Master whereof was Dr. *Mam*, one of the King's Chaplains) supply'd the Duke with 43 Votes, being considerably above the 3^d part of those which served the Turn, for he had in all above 108. He was chosen the Thursday following his Predecessor's Death; of 18 Doctors 17 were for him; so were most of the Non-Regents: But the majority of the Regents, and 4 whole Colleges were against him. The opposite Party were for the Earl of *Berkshire*, second Son of the deceased Chancellor; who was pitched upon but the same morning the Choice was made, and yet lost it but by five Votes.

The Earl afterwards understanding the Intentions of the University towards him, wrote a Letter to Mr. *Chester* a Member thereof, acknowledging his great Obligations to them, and expressing his unfeigned Thankfulness for naming him to one of the greatest Honours of the Kingdom, without any Suit of his; and their voting it in that noble Fashion, he esteemed as much as if he were in full possession of the Place, so often enjoyed by Persons of High Rank and Noble Families, and lately by his Father and his Uncle before him; assuring them, that as he had his first breeding in *Cambridg*, so he would live and die the true Servant of the University.

The Commons hearing of these Proceedings, directed a Letter to be written to the University, expressing their dislike thereof. But the King by Sir *Richard Weston* forbid them, telling them the Election was made according to the Charters of the University; and if there were any Error in the Proceedings, it belonged to him to examine and reform it, and not to the House.

To which the Commons return'd Answer, That the Election, whereby the University is committed to the Government of one charged and complained of by the Commons in Parliament, is a great

E. of Berkshire's Letter to those who voted for him.

King forbids the Commons to intermeddle therein.

The Commons Answer.

An. 1626.

*The King's
Reply.*

*The Duke's
Letter of Ac-
knowledgment
to the Univer-
sity.*

great Grievance, and in the manner of the Election there were many things done in contempt of that House; but professed they had no intent to enlarge their own Jurisdiction to the diminishing of his Majesty's Prerogative.

Whereunto his Majesty reply'd by Sir *Richard Weston*, That *Cambridg*, and all Corporations, derive their Privileges from him, and he will defend them from those that would infringe them. He conceives the Election is no Grievance; for he never heard that Crimes objected were to be taken as proved; but if any thing was done in contempt of the House, they may punish the Offenders.

The Duke in his Letter to the University, acknowledg'd that he valued nothing more, than the good Opinion of Learned and Honest Men: That he attributes the Honour they had conferred on him, not to his own Desert, but to the Respect they bear to the Memory of his deceased Master, the King of Scholars, and to his gracious Master now living. That he is as apprehensive of the Time they have shewed their Affection in, as of the Honour they have given him; saith, he would make amends for his want of Learning, by his Love to the Professors of it, and to the Source from whence it comes, and would imploy the Favour he enjoys from a Royal Master, to the maintaining of their Charters and Privileges, and to the advancing the particular Merits of the Students. He requests them to suggest a way to him how he might make Posterity know they had a thankful Chancellor.

The King likewise wrote a Letter to the University, signifying his Approbation of this their Election, and that he takes the Honour done to a Person he favours, as proceeding from a Loyal Respect had to himself. That as he shall ever justify *Buckingham* worthy of it, so should they find the Fruits of it: And that he having found him a faithful Servant to his Father and himself, cannot but undertake he would prove so to them; and that

that he will assist him in any thing for the good of the University, or of the Students there.

Before the Duke gave in his Answer to the Impeachment, he spake to the Lords thus :

He acknowledged their Lordships Favour in leaving him to his choice, whether he would answer to the Particulars of the Aggravation, or not ; but it may be their or their Posterities Advantage hereafter : That he had in a manner tied himself to the Charge, hoping that if he gave Satisfaction in that, the Aggravations would fall of themselves ; nor could he well have followed the Aggravations, being composed of words his Actions had not deserved, yet he had left nothing of them unanswered that is material. He was grieved that his Business should be a Cause of the loss of this Year from Foreign Attempts ; said, the House of Commons did not vote against him unanimously ; but there had been such Contest there concerning his Justification, that he could not but acknowledge much Favour from many of them : That for the present he should only apply himself to the clearing of his Reputation : For who accused him ? Common Fame. Who gave him up to their Lordships ? The House of Commons. The one is too subtil, the other too great for him to contest with : And he is confident when his Cause is tried, neither of them will be found his Enemy. But Common Fame, as 'tis subtil, so 'tis often false, and it will be found at length, that it hath abused both the House of Commons and him. He presumes that House proceeds against him out of Zeal to their King and Country, and to punish and amend his Faults (if Fame could have proved them) not to destroy his Fortune. He confesseth he hath been raised beyond his Merits ; but what he wanted in Sufficiency and Experience, he hath endeavoured to supply by Care and Industry, and his Heart hath not been alienated from the Service of the State for any thing that hath passed.

*The Duke's
Speech before
he gave in his
Answer.*

An. 1626.

*His Answer and
Plea.*

His Answer and Plea to the Impeachment was to this effect:

That he finds in himself an unexpressible Sorrow, that so great and worthy a Body as the House of Commons should suspect him guilty of those things which are objected against him; but the integrity of his own Heart and Conscience not accusing him of the least thought of disloyalty to his Sovereign or his Country, raiseth his Spirits again to make his just Defence before their Lordships.

*Touching Plu-
rality of Off-
ces.*

1. To the first Article he answered, That there are but three places enumerated in the Preamble of this Charge, which are worthy the names of Offices, viz. The Admiralty, the Wardenship of the Cinque Ports, and Mastership of the Horse, the rest being Titular only. He acknowledgeth the Bounty of his late Master, who was more forward to give them, than he to ask them, he bestowing them (all but that of the Cinque Ports) of his own Royal Motion, and to that also he gave his Approbation. He denies he obtain'd those Offices to satisfy his Ambition or desire of Gain. How he came by the Admiralty and Wardenship, will appear by his Answer; and the Mastership of the Horse is a mere domestick Office of attendance upon the King's Person, whereby he receiveth some Profit, but hath considerably retrenched the King's annual Charge; hopes, that if the Commonwealth suffer not by the number of Places he holdeth, he may enjoy what his Master conferred upon him, and he is not the first that hath held as many and as great Offices: But if he deal falsely or corruptly, or the Publick suffer, he will lay them down at his Master's Feet.

*His buying the
Office of Ad-
miral.*

2. To the second Article he answered, That the Earl of Nottingham Lord-Admiral, being stricken in Years, and often petitioning the late King he might surrender that Office; in some of which Petitions he named him (the Duke) for his Successor: And a Gentleman of long experience first moving

moving him (the Duke) and then the late King, that the Duke might succeed him, as a Person who by his nearness about the King, might be serviceable to the Affairs of the Navy; the King perswaded the Duke to take the charge upon him; and the Earl of Nottingham surrendring the said Office freely, it was in January 16 Jac. granted to the Duke without any Contract or Bargain with the Lord Admiral, or any other, and so out of the Statute of E. 6. That his Majesty (according to the usual way of Princes to their antient and well-deserving Servants) did as a Recompence of the Earl's faithful Services, grant him a Pension of 1000 l. per annum for his Life: And the Duke as an Argument of his Respect to so honourable a Predecessor, and with the King's Approbation, sent him 3000 l. in Mony, which no Person of Worth and Honour will esteem to be worthy of blame: That at his request the King granted a Commission to several able Persons to assist him in the Affairs of the Navy, without whose Advice he hath done nothing of moment: That the Charge of the Navy was 54000 l. per annum, which he reduced to 30000 l. per annum, and yet built two new Ships yearly, and since no new Ships were built, to 21600 l. per annum, and the Navy in better condition than ever.

3. To the third Article he answer'd, That the Lord Zouch, Lord Warden of the Cinque Ports, and Constable of Dover Castle (being one entire Office) making several offers thereof to the Duke of Richmond, and Richard Earl of Dorset, and at length to him (the Duke) he consider'd the many Inconveniences that happened by intermixture of the Jurisdictions of the Admiralty and Wardenship of the Cinque Ports, through the Emulation and Contention of their Officers, in the following and other Particulars: As, 1. The Admiral's Jurisdiction extends to all the narrow Seas, and the Warden of the Cinque-Ports hath Admiral-Jurisdiction on all the Sea-Coasts from Show-Beacon in Essex, to the Rednor in Sussex;

His buying the Wardenship of the Cinque-Ports.

An. 1626.

and there have been continual differences between them, how far into the Sea the Lord Warden's Jurisdiction extends. 2. Differences arise between the Officers of each in executing Warrants. 3. Owners of Goods are often enforced to sue in both Courts, and to compound with both Officers. 4. The *Downs* being within the Jurisdiction of the Warden, the Admiral hath no Power to press Men from the Shore, if the King's Ships be in distress. 5. When any Ships are in danger on the *Goodwins*, the Ports-men refuse to help with their Boats, lest the King's Ships should command them on board. 6. If a Warrant come from the Warden to press a Ship at Road for the King's Service, they will pretend the Ship to be out of his Jurisdiction; if from the Admiral, they pretend she is within the Cinque-Ports. 7. The Officers refuse to assist the Captains of the King's Ships to reduce their Men aboard (when on shore) without the Warden's Warrant. 8. The Ports-men will not pilot the King's Ships without the Warden's or his Lieutenant's Warrant. 9. When the Admiral and Warden must join their Authority, the Officers for want of understanding their several Limits, mistake their Warrants.

For these and such like Reasons (and not out Ambition, for he had a greater Place before; nor for Gain, it never having yielded him any thing as yet, nor never is like to yield above 300 *l. per annum*) he confesses, that he not knowing of the said Act of Parliament, agreed to give 1000 *l.* in Mony, and 500 *l. per annum* to the Lord *Zouch* for his Surrender, which was the same Consideration the Duke of *Richmond* was to have given if he had liv'd: And his late Majesty bid the Duke go through with it, and he would repay the Mony; and in *December 22 Jac.* the said Offices of Lord Warden and Constable were granted to him: But how far this may be within the danger of the Law, the King encouraging and directing it, he submits to their Judgment;

nor

nor is it without Precedent that these Offices have been in one hand.

4. To the Fourth Article he answer'd, That the Loss which hath happen'd by Pirates and Enemies hath not been occasion'd by his neglect: For whereas heretofore the ordinary Guard for the narrow Seas was but four of the King's Ships; there have been since *June 24. 1624.* no less than five, and ordinarily six, besides Pinnaces, Merchant Ships and Drumblers, and since open Hostility eight of the King's Ships, besides other sorts: That he hath from time to time acquainted his Majesty and the Council therewith: That *Dunkirk* was blocked up by our Ships and the *Hollanders*; but they being dispersed by a Storm, the *Dunkirkers* got abroad, yet will not endure the sight of our Ships, who cannot come at them, they being built for flight as well as fight; but we have some Ships building of that Model, to meet with them in their own way: And as for the Pirates of *Sally*, there is care taken either by Force or Treaty to repress them.

His not guarding the Seas.

5. To the Fifth Article he answer'd, That about *September* last the *St. Peter* and other Ships were taken by the King's Ships, and brought into *Plymouth*, as laden by the Subjects of *Spain*, and afterwards to the Tower of *London*, and there unladen, except the *St. Peter*, the Bulk of whose Goods were not stirr'd, because challenged by the Subjects of *France*: And in *December* upon the Complaint of some *French-men* at the Council-Board, his Majesty there order'd the said Ship *St. Peter*, and the Goods in her, which belonged to the Subjects of his Majesty the *French King*, or *United Provinces*, or of any other Prince or State in Amity with us, should be deliver'd (not absolutely, as the Charge supposeth, but) so as they were not fraudulently colour'd: And in *January* there was a Sentence in the Admiralty that she should be discharged, to which the King's Advocate for want of further Proof consented, which was but an interlocutory not a definitive Sentence.

The Ship
St. Peter.

An. 1626. But when the Ship was preparing to be gone, there came fresh Intelligence to the Duke, that that Ship and the others were laden by the Subjects of the King of *Spain* in *Spain*; and that the *Amirantasco* convoy'd them beyond the North Cape. The Duke acquainted the King herewith, and having by his Command made stay of the *St. Peter*, lest she should be gone, sent for the Judge of the Admiralty, to know how far the Sentence already past did bind, who took time to consider of it, and review the Acts of Court; and a day or two after resolutely answer'd, The Ship and Goods might be justly stay'd, if the Proofs came up to the Information: And the King's Advocate, and five other learned Advocates concur'd in Opinion with him; and many Witnesses were examin'd in pursuance of this new Information; but the *French* Merchants complaining again to the Council-Board, the Ship and Goods were order'd to be deliver'd, not barely, but upon Security; but none was ever given, and the Proofs falling short, she was with the Duke's consent finally discharg'd by the Court. He saith, there was nothing remov'd out of the Ship but some Mony, and some small Boxes of Stones of very mean value, and other little portable things lying above the Deck, easy to be imbezeld: And whatsoever was taken out of the Ship was first shewed to his Majesty, and then committed by Inventory to the Custody of *Gabriel Marsh*, Marshal of the Admiralty, whereof the Mony was imploy'd for the King's immediate Service, and by his Direction, and the rest hath been restor'd to the Owners; nor was this Accident the cause of the Imbargo in *France*, for that began before this happen'd; nor could an Imbargo upon such an occasion have been warrantable, but was contrary to the Articles between the two Kings, whereby there is to be a legal Complaint and a Denial, and then by way of Reprisal, not by Imbargo.

*His extorting
10000l. from*

6. To the Sixth Article, he said he would give a plain Narrative of the Fact, viz. About the end

the East-India
Company, and
abusing the
Parliament.

end of *Michaelmas* Term 1623. he being inform'd that the *East-India* Company had made great advantages by rich Prizes gotten from the *Portuguese* and others in the Seas of *East-India*, and other parts of *Asia* and *Africa*; and that a large part thereof belonged to his Majesty, and him (the Duke) as Admiral: Directions were given for a legal Prosecution in the Court of Admiralty, and divers Witnesses being examin'd there, an Action was commenced in that Court in the joint Names of his Majesty and the Admiral for 15000*l.* it being doubtful to Counsel, whether it belonged to the one or the other, or both: And *April* 28. 1624. a judicial Agreement and Sentence passed, wherein the Company's Consent, and their Offer appear; so that it were hard to conclude the Duke had no right, contrary to the Company's own Consent, and the Sentence of the Court, unless it appear the Company were enforced thereunto. He pray'd them to observe the Suit in the Admiralty began divers months before it was first mentioned in Parliament. The Composition made with the Company was mov'd by the King not by the Duke, and the King and not he treated with them; The Company were willing to give so much rather than hazard the Success of the Suit; and upon that Composition they obtain'd a Pardon. He said the Motion in Parliament for the stay of the Ships, was out of a real apprehension there would be need of them for the publick Defence: That the Motion made in the Commons House was without his (the Duke's) Privy: That when there was a rumor that the Duke had drawn on the Composition by staying the Ships, he was so offended thereat, that he would have had the Treaty broken off, and proceeded in a legal course, had not the Company intreated him to the contrary, and (tho the Ships were gone) solicited the dispatch of the Composition, and when the Mony was paid to the Duke, all but 200*l.* was borrowed by the King for the Service of the Navy.

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*His putting the
Ships into the
hands of the
French,*

7. To the Seventh Article he said, That it was so mixt with Actions of great Princes, that he durst not publish every Passage thereof; but in general saith, the Ships were lent without his Privy; and when he knew it, he did that which became an Admiral of *England*, and a true *Englishman*; denies he did by any undue Practice by himself or others, deliver those Ships into the hands of the *French King*; nor was there any thing intended thereby dishonourable or dangerous to the State, or prejudicial to those interested in the Ships, nor would it have been offensive to any, had others observ'd their Promises.

[*Note*, That since the Duke's Answer deliver'd into the House, he declar'd to the Lords, that for the better clearing of his Honour and Fidelity as to that part of his Charge compriz'd in the seventh Article, he had mov'd the King to give him leave in his Proofs to unfold the whole Truth and Secret of that great Action, and had obtain'd his Majesty's leave therein.]

*To be employ'd
against Rochel.*

8. To the Eighth Article he saith, That when it was discover'd that the Ships would be employ'd against those of our Religion (the Protestation of the *French King* being otherwise) he did endeavour to divert it: Saith, his Endeavours under his Majesty have been a great part of the means to preserve the Town of *Rochel*; and when his Majesty found they were so misemploy'd, he interceded with the *French King* for the Peace of that Town and of our Religion, lest his Honour might otherwise suffer, and was successful therein: Denies that he us'd those words before the Committee of both Houses at *Oxford*, That the said Ships were not, nor should be used or employ'd against them of our Religion; but confesses, that he knowing what the Promises of the *French King* were, and hoping they would have been perform'd, did say, that the Event would shew it.

*His compelling
the Lord R. to
buy Honour.*

9. To the Ninth Article he said, he utterly denieth that he compelled the Lord R. to buy his Title of Honour; saith, the Lord R. was before willing

willing to have given a far greater Sum, but could not obtain it, and now obtain'd it by his own Agents.

10. To the Tenth Article he saith, the Lord *M.* was made Lord Treasurer without any Contract for it; and afterwards his late Majesty mov'd him to lend him 20000 *l.* which the Lord *M.* did, but desir'd the Duke's word for Re-payment, which the Duke gave him, and the Mony was paid to Mr. *Porter* then attending upon the Duke by the late King's Appointment, and by the King's Direction paid out to others; but not a Penny thereof came to the Duke's use: That the Lord *M.* leaving his Place, and the Mony not being repaid, the Duke assur'd Lands to him for his Security; But the Lord *M.* having afterwards a Grant from his late Majesty of some Lands in Fee-farm in satisfaction of his Debt, the said Securities were deliver'd up.

His selling Places of Judicature.

That he heard the Earl of *M.* about the time he was made Master of the Wards disbursed 6000 *l.* and that his late Majesty bestow'd it upon Sir *Henry Mildmay*; but not a Penny thereof came to the Duke, or to his use.

11. To the Eleventh Article he saith, It is true that his late Majesty having honour'd him with many Titles and Dignities, was pleased to honour those who were equal in degree with him, and to ennoble their Mother, the Stock that bore them: That his Mother's Title of Countess of *Buckingham* is not without Precedent; that she hath nothing from the Crown, and her Title dieth with her: The Titles of the Viscount *P.* the Duke's elder Brother, were conferr'd on him by the means of his Majesty, then Prince, to whom he was of the Bed-Chamber: The Earl of *A.* was of his late Majesty's Bed-Chamber, and the Honours and Lands were confer'd on him when the Duke was in *Spain*: The Earl of *D.* hath not one foot of Land from the Crown; and if he hath procur'd Honours for any of them, the Law of Nature will excuse him.

His procuring Honours for his Kindred.

12. To

An. 1626.

*His exhausting
and misemploy-
ing the King's
Revenue.*

12. To the Twelfth Article he said, There were very great Mistakes in the Calculations in the Schedules, unto which he will apply particular Answers in another Schedule; and the Gifts he hath receiv'd exceed not Precedents of former times: Denies he obtain'd the same or any Release by any undue Practice; but confesseth, that he having receiv'd and disposed of several Sums of Mony of his late and of his now Majesty by their private Directions, he hath Releases thereof for his Discharge.

*His giving Phy-
sick to the
King.*

13. To the Thirteenth Article he said, He did neither apply, nor procure the Plaister or Posset-drink, in the Charge term'd a Potion, unto his late Majesty; nor was present when first taken or apply'd: But his Majesty being sick of an Ague, and taking notice of his (the Duke's) recovery of an Ague not long before, ask'd him what he found did him most good: To which the Duke answer'd, that the Earl of *Warwick's* Physician had ministred to him a Plaister and a Posset-drink, and that the chief thing that had done him good was a Vomit; the King was very desirous to have the Plaister and Posset-drink, but the Duke delaying it, the King commanded *John Baker* the Duke's Servant to go for it; whereupon the Duke besought his Majesty not to make use of it, but by the Advice of his own Physicians, and until it should be tried upon some others, which the King said he would do: But the Duke going to *London*, the Plaister and Posset-drink were apply'd by his Majesty's Command. At the Duke's return the King was in taking the Posset-drink, and commanded the Duke to give it him, it being first tasted by some of the King's Physicians then present, and others. The King's Disease growing worse, and there being a Rumor that that had done him hurt, and the Duke acquainted the King therewith, the King answer'd, *They are worse than Devils that say it.*

The Duke having thus answer'd the Charge, said he had affirmed nothing but what he should make

make good by Proof; and referr'd it to their Lordships Judgment how dangerous it is to give too easy a belief to Reports or Testimony without Oath: He acknowledg'd how easy it was for him, being young and unexperienced, to fall into thousands of Errors during the ten years he serv'd so great and open-hearted a Sovereign and Master, but hopes he hath not run into hairous and high Misdemeanors and Crimes: But whatsoever they shall appear to be, he pray'd the benefit of the Parliament-Pardon 21 Jac. and of the Pardon granted to him under the Great Seal (upon his Majesty's Coronation) dated 10 February last, and yet he hopes their Lordships will acquit him of those Offences wherewith he is charged.

The next day his Majesty wrote a Letter to the Speaker to this effect: That if they do not supply him by the end of that Month (which was their own prefix'd time) it will be too late, the Enemy being ready to assail him: That he now gives them his last and final Admonition, and shall take all further Excuses for express Denials; and expected they should bring in their Bill of Subsidy without delay or condition, so as it may fully pass the House by the end of next week; if not, he will be forced to take other Resolutions: But if they do this, they shall sit as long as the Season will permit, and meet again next Winter.

The King's Letter to the Speaker for a speedy Supply.

About this time happen'd in and about London a terrible Storm of Rain, Hail, Thunder and Lightning; the Graves were laid open in St. Andrews Church-yard in Holborn by the fall of a Wall, and the dead Bodies expos'd to view; and upon the Thames arose a Mist in the form of a round Circle above the Waters: The fierceness of the Storm bent it self against York-house, the Habitation of the Duke of Buckingham; the round Circle dispersed it self like Smoke issuing out of a Furnace, and then vanished away: The Vulgar attributed it to Dr. Lamb's Art of Conjuring, he then appearing upon the Thames.

A violent Storm.

The

An. 1626.

The Commons
Petition con-
cerning Recu-
sants.

The Commons agreed upon a Petition to his Majesty to this effect; That they to their great Comfort remember his Answer to the Petition of both Houses at *Oxford*, viz. That his Majesty would give order to remove from Places of Authority and Government all Popish Recusants, and such as are justly suspected: Nevertheless they find the Persons under-written to be either Recusants, Papists, or justly suspected according to the former Acts of State, who do or since the first sitting of the Parliament did remain in Places of Government, Authority and Trust in *England* and *Wales*; viz. *Francis* Earl of *Rutland*, Lieutenant of the Counties of *Lincoln*, *Rutland*, *Northampton* and *Nottingham*, a Commissioner of Peace and of Oyer and Terminer in the County of *York*, and Justice of Oyer from *Trent* Northwards; the Viscount *Dunbar*, Deputy Justice in Oyer to the Earl of *Rutland* from *Trent* Northward, Commissioner of Sewers and Deputy-Lieutenant within the East-Riding of *Yorkshire*; *William* Lord *Eure*, *Henry* Lord *Abergavenny*, *John* Lord *Tenham*, *Edward* Lord *Wotton*, *Henry* Lord *Morley*, and *Anthony* Viscount *Montague*, Commissioners of Sewers; *John* Lord *Mordant*, Commissioner of the Peace, Sewers and Subsidy in *Com. Northampton*; *John* Lord *St. John* of *Basing* Captain of *Zidley* Castle, *Emanuel* Lord *Scroop*, Lord President of his Majesty's Council in the North, Lieutenant of *Yorkshire*, *York* and *Hull* (who never came to the Cathedral Church, nor receiv'd the Sacrament, nor observ'd Fast-days, but displac'd Persons firm in their Religion, put in disaffected Persons, neglected and hinder'd the disarming of Recusants, imploy'd a convict Recusant suspected to be a Priest to view the Forts and Magazine of *Hull*, denied to accept of a Plea of Popish Recusancy, and countenanced the increase of Recusants) *Sir Marmaduke Wyvell*, *Sir Thomas Metham*, *Sir William Wray*, *Sir Edward Musgrave*, *Sir Thomas Lampleigh*, *Sir Thomas Savage*, *Sir Hugh Beeston*,
Sir

Sir William Massy, Sir William Courtney, Sir Thomas Ridley, Sir Ralph Conyers, Sir John Shelley, Sir William Mollineux, Sir Richard Houghton, Sir William Norris, Sir Gilbert Ireland, Sir Cuthbert Halsall, Sir George Hennage, Sir Francis Metcalfe, Sir Henry Spiller, Sir Charles Jones, Sir Thomas Brudenal, Sir William Selby, Sir John Canning, Sir Ephraim Widdrington, Sir Thomas Riddal, Sir Robert Pierpoint, Sir Anthony Brown, Sir Henry Beddingfield, Sir William Yelverton, Sir Henry Minne, Sir Benjamin Titchburn, Sir Richard Titchburn, Sir Henry Compton, Sir John Gage, Sir John Guilford, Sir Edward Francis, Sir Garret Kemp, Sir Henry Guilford, Sir Richard Sandford, Sir William Ambrey, Sir John Coney, and about forty three Esquires, Gentlemen, and others, who were all either Deputy-Lieutenants, Justices of Peace, Commissioners of Oyer and Terminer, of the Sewers or Subsidy, or Officers of the Militia, or were in other publick Employments and Trusts in the Petition particularly mention'd; and one Robert Warren Clerk, a Justice of Peace, who, 1. Being intrusted with the Education of the Son of one Ratcliff of Bury, deceased, took him from School at twelve years old, and sent him beyond the Seas to a Popish Seminary, where he had remained six or seven years. 2. One of his Parishioners being sick, and doubting in some Points of Religion, he confirm'd him in the Religion of the Church of Rome. 3. The Ministers of that County where he liv'd, with the Officers, being call'd upon to present those who absented themselves from Church, and were Popishly affected, he presented some within his Parish of Welford, but left out at least one half, and said, he was no Informer; and being ask'd, why he did not present such and such who came not to Church? he said, they might be *Anabaptists* or *Brownists*. 4. His Brother who dwelt at Sudbury being presented for not coming to Church, he said he was glad he had a Brother of any Religion. 5. One Fage having procur'd a Warrant from some

An. 1626. some of the Deputy-Lieutenants to bring to examination a Person who could discover a private Place in a Recusant's House where Arms were hid; and the Constable carrying the Person before *Warren*, he rated *Fage* for a factious Fellow, and laid him by the Heels for two hours. Wherefore they beseech his Majesty not to suffer his loving Subjects to continue any longer discourag'd by that increase in Number and Power, which by the Favour and Countenance of such ill-affected Governors, accrueth to the Popish Party: But that he will command that Answer of his to be effectually observed, and the Partys abovenamed, and all such others, to be put out of such Commissions and Places of Authority.

A Committee was appointed to prepare an Answer to his Majesty's Letter; the Substance whereof was delivered by their Speaker Sir *Hennage Finch*, viz.

*The Speaker's
Speech to the
King.*

That the House of Commons considering the Nature and Importance of their Business, thought the attendance of the whole House, with their Speaker, upon his Majesty not too solemn; nor have barely committed their words to any Man's Speech, but are bold to present them in writing: This Parchment (said he) contains two things; the one by way of Declaration, to satisfy his Majesty of their sincere Endeavours and Intentions, the other an humble Petition for the removal of the Duke of *Buckingham* from his Presence. For the first, They value no earthly thing more than to be retained in his Majesty's Grace and good Opinion; and are grieved that any Misinformation, or Misinterpretation, should render their Words or Proceedings offensive to his Majesty. It's improper for any one to rely upon the Eccho of a Voice, that hears not the Voice it self: Words misreported by an Eccho, or an Eccho of an Eccho, may sound Disloyalty, tho the Voice had nothing disloyal in it: And such Misinformations have begot those Interruptions and Delays which have enforced this Declaration. For the
Petition,

Petition, he intended not to urge those Reasons which his Majesty may hear expressed in the Language of the People. He acknowledged his Majesty to be a good and gracious Master: But the relation wherein his Majesty stands to his People, doth far transcend the relation of a Master towards a Servant: And to satisfy the just and necessary Desires of his People, is more honourable than any expression of Grace to a Servant. His Majesty is truly stiled *Pater Patriæ*, and the Desires of Children are preferred before those of Servants. And he put the King in mind of what his Royal Father termed the Government of a King, a politick Marriage between him and his People.

The Commons had drawn up a Remonstrance against the Duke, and concerning Tonnage and Poundage taken by the King, without consent in Parliament; which was no sooner finished, but they had intimation the King would that day dissolve the Parliament: whereupon they ordered every Member to have a Copy of the Remonstrance.

At the same time the Lords prepared a Petition to the King, viz.

*The Lords
Petition for
continuing the
Parliament.*

That they had that Morning received from his Majesty an intimation that he would dissolve the Parliament: That they being his Hereditary Council of the Kingdom, should not discharge their Duty to God, his Majesty, and their Country, if they did not offer him their Advice to continue this Parliament, whereby the apparent Dangers at home and abroad may be prevented. And they sent four Lords to the King to intreat him to give audience to the whole Houle of Peers.

But he told them he was resolved to dissolve the Parliament, and they were that day (June 15. 1626.) by Commission dissolved accordingly.

*The Parliament
dissolved.*

The intended Remonstrance was to this effect: That they had been so retarded in the prosecution of those Affairs, that would have conduced to
S
their

*The Commons
Remonstrance
intended to be
presented to the
King.*

An. 1626.

their dispatch of the intended Supply, that they thought it their Duty to declare the Interruptions and Preventions they have had, with the original and continual Cause of them. And they beseeched his Majesty to cast his Eye on some Particulars that had relation, as well to his first Parliament as to this. In his first Parliament, the Commons having presented him with two Subsidies, were exceedingly pressed by the means of the Duke of *Buckingham* to enlarge that Supply; which when he could not effect, he procured an Adjournment of them to *Oxford*, where the Commons taking into consideration the Mischiefs this Kingdom suffered chiefly by the exorbitant Power and Practices of the said Duke, no sooner was he named, but fearing his Actions would be laid open to his Majesty's view, he procured a Dissolution of that Parliament, and afterwards procured some Members of the Commons to be made Sheriffs of several Counties for the Year following, to preclude them from being chosen Members of this Parliament, and another

* *Mr. Glanville.* * Member of that House to be sent as Secretary of the last Fleet to punish him, by drawing him from the practice of the Law, which was his Profession. That his Majesty having, in *February* last, called this present Parliament, they considered how they might give a larger Supply than had ever yet but once been given in Parliament: In order whereunto they inquired into the Causes of the Subjects Grievances, and found they were all fundamentally fixed in the said Duke. And for his plurality of Offices, some of them gotten for Money expressly against the Laws, his breach of Trust in not guarding the Seas, his high Injustice in the Admiralty, his Extortion, his delivering our Ships to a Foreign Prince, his compelling the buying of Honour, his unexampled exhausting the Treasures of the Kingdom, his transcendent presumption in unhappily administering Physick to his late Majesty, and other his Offences; they exhibited a Parliamentary Charge against him, but

but were interrupted and diverted by Messages from his Majesty: And also upon malicious Misinformations given to him, Sir *Dudley Diggs* and Sir *John Elliot*, two of their Members, were by his Majesty's Command committed close Prisoners to the *Tower*, their Lodgings searched, and their Papers taken away, whereby the known Privileges of Parliament were infringed, and they diverted from proceeding in the Dispatch of the Supply. And tho his Majesty commanded that the Messengers for arresting them should repair to their Lodgings, yet his principal Secretary, the Lord *Conway*, gave the Messengers an express Command, that they should go to the House of Commons and there take them, which had a mischievous intent in it against the whole House. All which, with the several Interruptions preceding, were procured by the Duke; such Interruptions coming only when his Business was in agitation. And when his Majesty had released their two Members, and they intended to have gone chearfully on with the Supply, the Duke (notwithstanding their Charge against him for Plurality of Offices) hath procured to himself the Office of Chancellor of the University of *Cambridg*, whereas the same University did by their two Burgesses, consent with them to the said Charge against him: Which Office he hath obtain'd, by the endeavours of a Factious Party, who adhere to that dangerous Innovation in Religion, published in the seditious Writings of one *Richard Montague* Clerk, of whom the Duke is an Abettor and Protector. That these Actions of the Duke had hindred the Service of his Majesty, by the Interruptions which have accompanied them: And they protested they could not hope for any thing which might conduce to his Majesty's Service, the Safety of the Kingdom, or the Welfare of themselves and those they represented, while they suffer under the Power and Ambition of the said Duke, and the false Informations given his Majesty for his Advantage. To which end he hath

An. 1626.

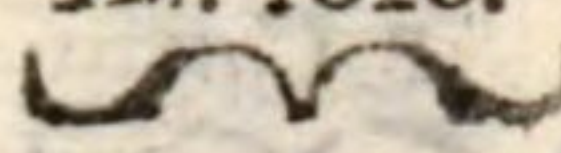
placed so many of his Dependants near his Sacred Person, and hath within a few Years made such displacing of the Officers of the Kingdom, as was not known in many Years before. And the Officers of the Crown in *England* and *Ireland* have been placed or displaced, as they have been his Friends or Adversaries, and commended or misrepresented by him to his Majesty. That they have at length received from the Lords, the Duke's Answer to their Charge; to which they shall presently so reply, that unless he again undermine their Proceedings, they doubt not to have Judgment against him. That they formerly received a Message from his Majesty, That if he had not a timely Supply, he would betake himself to new Counsels; which they doubt not were by his Majesty intended to be such, as stood with Justice and the Laws. But these words *new Counsels*, were remembred in a Speech made amongst them by a Privy Counsellor, who said, he had often thought of those words, and that there were anciently in other Nations such Parliaments as ours. That in *England* the People live in plenty, but in other Nations they are poor; which happen'd (he said) where such new Counsels were taken, and the use of their Parliaments ended. Which intimation gave them cause to fear there were some ill Ministers near his Majesty, who in the Duke's behalf might advise him to such new Counsels; and that which hath increased their fear is, That the Subsidies of Tonnage and Poundage, which determined upon the Death of his Father, nor ought to be levied but by a special Act of Parliament, have been ever since the beginning of his Majesty's Reign levied, as if they were still due; which is so much against the constant Use of former Times, and the known Right of the Subject, that it is an apparent Effect of some new Counsels, as if there might be any Subsidy, Tax, or Aid, without the Commons Consent in Parliament. But if any do advise such new Counsels, they esteem them as Vipers and
Pests

Pests (as they were stiled by his late Majesty) and capital Enemies to his Majesty and the Commonwealth. These things, among many others, have prevented a right Understanding between his Majesty and them, they finding their Endeavours misinterpreted, hindred, and almost utterly frustrated by the excessive Power of one Man. Against whom they protest, in regard of the Crimes he is charged with in Parliament, and as an Enemy to Church and State. And they cannot but express their Grief that he should have so great a Power and Interest in his Majesty's Affections, and engross to himself the Administration of his Affairs. They beseech his Majesty, for the Honour of Almighty God, whose Religion is undermined by the Party whom the Duke supports, for his own Honour, for the Safety and Welfare of his Kingdom, and for the Love he bears to his People, that he would remove this Person from his Presence, and not suffer this one Man to overballance all these things; for till he be removed from the Affairs of State, they are out of hopes of good Success, and fear that all the Mony they shall give will be misemploy'd: And no sooner shall they receive redress of this insupportable Grievance, but they shall proceed to dispatch the Supply, and do other great things, such as no former Parliament can parallel.

The King published a Declaration of the Causes of his dissolving this and the former Parliaments, dated June 30. 1626. to this effect:

That altho the Calling, Adjourning, Proroguing and Dissolving of Parliaments do peculiarly belong to Himself, by his undoubted Prerogative; of which, as of his other Regal Actions, he is not to give an account to any but God only; yet he purposing so to order all his Actions, especially the great and publick Actions of State, as they may justify themselves to his own Conscience, his People, and the whole World, hath thought fit to declare the Causes which moved him to assemble, and enforced him to dissolve his two Parliaments,

The King's Declaration why he dissolved his two Parliaments.

An. 1626.  ments. When his Majesty first came to the Crown, he found himself engaged in a War with a potent Enemy, for the defence of himself and his Dominions, the Support of his Allies, the Redeeming the Nation's Honour, Recovery of the Patrimony of his Sister, her Consort and Children, and maintenance of the True Religion; being encouraged therein by the Advice of both Houses of Parliament, and by their Promises and Protestations to his late Majesty to give him their full Assistance. But when he entered into a view of his Treasure, he found how ill he was provided: That for the making good Laws, for the understanding his Peoples true Grievances, and for a Supply of Monies for those publick Services, he summoned a Parliament, which he did with much assurance of his Peoples Love; and that those who persuaded his Father to break off his Treaties with *Spain*, and had used his now Majesty's Mediation therein, and had promised his late Majesty to enable him to undergo the War, would have performed it to his now Majesty, and not suffered him to have run a Hazard in his first Enterprize. This Parliament being assembled, did with great alacrity, and as the first Fruits of their dutiful Affections, present his Majesty with two entire Subsidies. But when his Majesty had entred into the Consideration of those great Affairs wherein he was embarked, he found this Sum of Mony far short of what must of necessity be presently expended in those great Undertakings. This he imparted to the House of Commons, but before it could receive that debate which was fit, the Plague in *London* and *Westminster* so increased, that the Parliament could continue there no longer in safety. His Majesty therefore adjourned them to *Oxford*, little expecting such misconstructions of his Actions would have been made as he there found. And when his Affairs were opened to them, they were so slow and full of Delays, that before any thing could be determined, the Contagion dispersed it self, and came to their very

very Doors. His Majesty therefore preferring the Safety of his People to what was more remote, dissolved that Parliament; but yet by the Advice of his Privy Council, and Council of War, continued his Preparations, wherein he expended the two Subsidies, and much more. At length his Navy was set to Sea, the Design being probable and well advised, but it pleased God not to give that Success which was desired: And yet those Attempts were not so fruitless as the Envy of the Times have apprehended, the Enemy receiving no small loss, and our Party no little Advantage thereby. And it would much avail his Majesty's great Affairs, and the Peace of Christendom, if those beginnings were well seconded. The Pestilence ceasing, his Majesty summoned a new Parliament, which began the 6th of February last, but at their first meeting did forbear to press them to any thing which had the appearance of his own Interest, only recommended to them the making of good Laws. His Majesty believing their Care of the Common Safety, and of the True Religion, would have led them to a due consideration thereof: Which the Lords considered of, and invited the Commons to a Conference concerning the same. At which Conference his Majesty's great Occasions were opened to them; which making no impression on them, his Majesty did first by Message, and afterwards by Letters, put the House of Commons in mind thereof.

Whereupon the 27th of March last, they agreed to give his Majesty three entire Subsidies, and three Fifteens; and April 26. they added a fourth Subsidy. And his Majesty finding the time of the Year passing away, and having intelligence from all parts of Christendom of the great Preparations of the King of Spain, and that his Design was upon this Kingdom or Ireland, he acquainted the House of Commons therewith, and with the true State of things, and several times reiterated the same to them. But they being a-

An. 1626. bused by the violent Passions of a few of their Members, wilfully refused to hearken to the gentle Admonitions of his Majesty, nor would intend any thing but the prosecution of one of the Peers of this Realm; and seeking for Errors in another, fell into a greater Error themselves, by neglecting to give his Majesty satisfaction in several Cases concerning his Regality, and by forgetting their Engagements for defence of the Realm. And notwithstanding his Majesty's Letter to the Speaker, dated the 9th of this instant *June*, which clearly manifested his Majesty's Resolutions, they never so much as once read the Subsidy-Bill, but prepared a Remonstrance or Declaration, containing several Aspersions upon his Majesty, and his deceased Father, and Excuses for their not proceeding with the Subsidies; which his Majesty taking to be a denial of the promised Supply; and the time being so far spent, that they had put upon themselves an impossibility to perform their Promises, his Majesty seeing all further Patience fruitless, dissolved this unhappy Parliament. These Passages his Majesty hath published, lest that which hath been unfortunate in it self, should be made more unfortunate in the Consequences: and he purposeth resolutely to proceed in maintaining the True Religion professed in the Church of *England*, and in freeing it from the open Contagion of Popery, and secret Infection of Schism. And he cannot but believe that the Hand of *Joab* hath been in this Disaster, that the common Incendiaries of Christendom have subtilly insinuated those things which unhappily (and, as he hopes, beyond the Intentions of the Actors) have caused these Diversions and Distractions: And yet notwithstanding his Majesty hath put on this Resolution, That he will take his Scepter and Sword into his Hand, and not expose the Persons of the People committed to his Charge, to the insatiable Desires of the King of *Spain*, who hath long thirsted after an Universal Monarchy, nor their Consciences to the

Yoke

Yoke of the Pope of *Rome* : And that at home he will redress the Grievances of his Subjects.

The King likewise published a Proclamation, wherein he takes notice of the said Remonstrance intended to be presented to him by the House of Commons : in which he said, there were many things to the dishonour of himself and his Father, and whereby through the Sides of a Peer of this Realm, they wound their Sovereign's Honour. That some Members of that House, to prepossess the World with an ill Opinion of that Peer, before his Cause was heard, had scattered Copies of that intended Declaration : His Majesty therefore commanded all Persons who had any Copies, or Notes thereof, forthwith to burn the same, that the memory thereof may be utterly abolished.

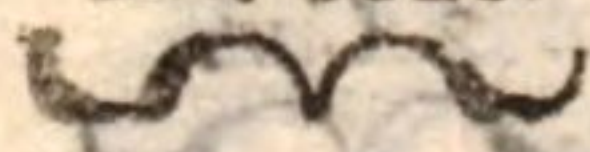
The King by Proclamation takes notice of the intended Remonstrance.

Another Proclamation was publish'd, That his Majesty finding some Questions and Opinions to have been broached of late in Matters of Religion, which by the sharp and indiscreet handling of either Party, have given much offence to sober Men, and raised hopes in the *Roman* Catholicks, that by degrees we may be drawn, first to Schism, and then to plain Popery : His Majesty, by the Advice of his Bishops, doth declare his utter dislike of those, who to shew the subtilty of their Wits, or to please their own Humors, or vent their own Passions, do start any new Opinions contrary to, or different from the Religion established in the Church of *England*; and that his Resolution is neither in Doctrine or Discipline of the Church, nor in the Government of the State, to admit of the least Innovation, but will repress and punish those who shall dare, either in Church or State, to disturb the Peace thereof: And commands all his Subjects of *England* and *Ireland*, especially Churchmen, that they do not publish or maintain any other Opinions concerning Religion than such as are clearly warranted by the Doctrine and Discipline of the Church of *England*. The Effects of which Proclamation (how

Another Proclamation against new Opinions in Religion.

equally

An. 1626.



An Information
in the Star-
chamber a-
gainst the
Duke.

equally soever intended) were the stopping the Puritans Mouths, and an uncontrouled Liberty to the Arminian Party.

The King for-
bids soliciting
any Suit pro-
hibited in the
Book of Bounty.

Shortly after an Information was, by the King's Command, preferr'd in the *Star-chamber* against the Duke of *Buckingham*, wherein he was charged (among other things) with the Plaister applied to King *James*. To which he put in his Answer, and divers Witnesses were examined.

Customs order'd
to be paid.

The King considering the Straits into which the Revenue of the Crown was fallen, did, by the Advice of his Council, declare, That all Men should forbear for two Years to sollicite any Suit for any thing prohibited in the Book of Bounty published in King *James* his Time, or any other thing tending to the diminution of his Revenue. And the Privy Council declaring, that the Customs, Subsidies, and Imposts upon Goods and Merchandizes, have been constantly continued for many Ages, and is a principal Branch of the Revenue of the Crown, but could not be settled by the two last Parliaments by reason of their Dissolution; they ordered, That the same should be levied and paid: And by their Advice, an Instrument passed under the Great Seal, declaring his Majesty's Pleasure therein until it should be settled by Parliament.

A Commission
to compound
with Recusants.

And the Forfeitures arising by the Laws against Popish Recusants being dedicated to the vast Charge of the Designs in hand; and there being complaint made of the inferior Officers oppressing Recusants, without Advantage to the King: A Commission issued to the Archbishop of *York*, and several Knights and Gentlemen, to this effect: That the King's Subjects living in Maritime Towns, especially in the Northern parts, do suffer by Depredations and Assaults at Sea, whereby the City of *London* is endamaged for want of Coals, and other Commodities transported from *Newcastle*. And his Majesty hath appropriated all Penalties and Forfeitures of Recusants in ten Counties

Counties Northward (therein named) which have grown due since the 10th of King James, or shall grow due for the setting out six Ships of War for guarding those Coasts: And the Owners of Coalpits, and others concerned in the Coal-trade of *Newcastle*, are willing to contribute for every Chaldron for the Uses aforesaid. The Commissioners therefore are impowered to compound with the said Recusants for Leases of their Lands within those Counties to them, or any for their Use, for any Term not exceeding 41 Years, and for all Forfeitures, according to his Majesty's Instructions, *he rather desiring their Conversion than Destruction*. And Receivers were appointed for the Mony, and for that of 6 d. per Chaldron on Coals: Whereupon the Recusants compounded upon very easy Terms. And the King by Proclamation declared, he would grant his Lands, as well Copyhold as others, in Fee-farm.

The King let the Nobility know, That according to the Precedents of former Times, upon extraordinary Occasions, by Contributions, he expected from them a large and chearful Testimony of their Loyalty.

He demanded of the City of *London* the Loan of 100000 l. But they excusing themselves, the Council sent a strict Command to the Lord-Mayor and Aldermen, setting forth the Enemys strong Preparations, and the King's great Necessities, requiring them to enter into the Business again, and to return a direct and speedy Answer, that the King may frame his Counsels accordingly.

A Charge likewise was laid upon the Ports and Maritime Counties, to set out so many Ships as were appointed to them severally; particularly the City of *London* to set out twenty of the best Ships in the River, with Tackle, Stores, and Ammunition, manned and victualled for three months.

The Deputy-Lieutenants, and Justices of Peace of *Dorset*, being commanded to set forth Ships from *Pool*, *Weymouth*, and *Lime*, with the Contribution of the Counties adjoining, pleaded, The

The King's Lands to be granted in Fee-farm.

The King sends to the Nobility to lend him liberally.

He demands of the City 100000 l.

The Port Towns and Maritime Counties to furnish Ships.

Dorsetshire makes an Excuse.

An. 1626.

London peti-
tions for an a-
batement of
their Ships, and
are check'd.

Privy-Seals.

A Fast observ'd.

Commissions to
muster, and to
execute Mar-
tial Law.

Ships sent to
the River Elbe.

The Case was without Precedent; but were check'd by the Council, and told, That State occasions were not to be guided by ordinary Precedents. The City of *London* petition'd for an Abatement from twenty Ships to ten Ships and two Pinnaces, alledging Disability: But the Council answer'd, That the Charge impos'd was moderate, not exceeding the Value of many of their private Estates, and that the State would require an account of all in general, and of every one in particular: And whereas they mention'd Precedents, the Precedents of former times were Obedience, and Precedents were not wanting for the Punishment of those that disobey his Majesty's Commands. Hereupon the Citizens submitted, only had the favour to nominate all the Officers, the Captains excepted. There issued forth likewise Privy-Seals to several Persons, to others the way of Benevolence was propos'd; and the Sums requir'd were according to the rate of four Subsidies, and three Fifteens: But it was declar'd to the Country, That the Supplies now demanded, were not the Subsidies and Fifteens intended to be given by the Parliament; and the Justices of Peace were order'd to send for Persons able to give, and to deal with them singly.

Amidst these Preparations, the Nation being expos'd to Dangers, a Fast was observ'd first in *London* and *Westminster*, and then throughout the Kingdom, which being threatned with a powerful Invasion, for the defence thereof the Lords Lieutenants were requir'd to muster those that were apt for War, to cause them to be arm'd, to lead them against Enemies, Rebels and Traitors, with Power to execute Martial Law according to Discretion: And in case of Invasions, Insurrections and Riots, to suppress them by Battel, or otherwise. And the Inhabitants of the Sea-Coasts who had withdrawn themselves, were requir'd to return with their Families. Also some of the King's Ships were imploy'd in the River *Elbe* to prevent the furnishing of *Spain* with Shipping, which discontented

tented those of *Hamburgh*, for that *Lubeck* and other Towns of the East Sea were free from this Restraint; and yet (as the Lord Admiral informed the Council) it was to little purpose, unless the Sound could likewise be shut up, since the *Hamburghers* send their Commodities by Land to *Lubeck* to be transported into *Spain*. The King likewise prepar'd a Royal Fleet at *Portsmouth* under the Command of the Lord *Willoughby*. *A Fleet prepar'd.*

In the King of *Denmark's* Declaration for which he took up Arms against the Emperor, one cause was, That notwithstanding the Elector *Palatine* had offer'd his Submission to the Emperor, and thereupon was in hopes to have had his Patrimony and Dignities restor'd, the Emperor still committed great Spoils in his Country, and had much damnified the Lower *Saxony*; whereupon the Princes of the Lower *Saxony* having craved his Aid to restore the Peace and Liberty of *Germany*, he was resolv'd to join with them, the King of *Great Britain* having deeply engag'd to assist in this War, for the Restitution of the Elector *Palatine*: therefore, seeing all Prayers, Mediations and Intercessions cannot prevail, he will endeavour to procure a Peace and Settlement by force. Accordingly divers Towns were taken by the King of *Denmark*, some whereof were retaken by *Tilly*: But on the 27th of *August* the King of *Denmark* upon the approach of *Tilly* with the Emperor's old Soldiers, endeavouring to make his Retreat, *Tilly* follow'd the King so close, that he was necessitated to face about and give Battel near *Luttern*, but was presently routed, his Train of Artillery taken, several Commanders kill'd, and some taken Prisoners. *King of Denmark's Declaration against the Emperor.*
The Overthrow of his Army.

In *September* the King being inform'd of the Disaster had befallen his Uncle, whose Engagement was chiefly for the Elector *Palatine*, he advis'd with his Council how he might speedily raise Monies upon this occasion: And they resolv'd, that the best way was by a general Loan, as every Man was assessed to the last Subsidy; whereupon

An Inducement to the Loan.

An. 1626.

*A Declaration
concerning the
Loan-Mony.*

*Private In-
structions to the
Commissioners
for the Loan.*

upon the King chose Commissioners for the Loan and published a Declaration wherein for the reasons of this Course, he alledged what was in his late Declaration touching the Dissolution of the Parliament; and assur'd the People this should be no Precedent for future times, as if he intended to abolish Parliaments; promising to repay the Mony as soon as he was able, and that not one Penny of it should be expended but for the publick Service. The Instructions given the Commissioners were to this effect: 1. They should for a good Example lend the Sums requir'd of them. 2. To take for their Guide the Rates in the Book of the last Subsidy. 3. To shew every Man the necessity of this Course, and how much the Honour of the Nation, the true Religion, and the common Safety are concern'd. 4. To perswade them to pay it all at one entire Payment if able; if not, then one half at fourteen days, and the other half before the 20th of December next. 5. That they treat apart with those who are to lend, and not in the hearing of each other; and if any refuse to lend, or make delays and excuses, that they examine him upon Oath, who hath perswaded him so to do, and what words the Party used to him; and to charge him upon his Allegiance not to disclose what his Answer was. 6. That they begin with such as are likely to shew the best Examples; and then shew their Names to others, to bring them on. 7. That they endeavour to discover the Disswaders of others, and as much as they may hinder all Discourse about it, and certify such refractory Persons to the Privy-Council. 8. That this Loan shall be instead of what hath been desir'd upon Privy-Seals or Benevolence: And if Mony hath been paid upon those accounts, it shall be accepted in part of this Loan. 9. That they admit of no Reasons for abating any Sum. 10. The Commissioners not to disclose these Instructions to others.

To

To the Imposition of the Loan was added the billeting of Soldiers, who were govern'd by Martial Law: The King giving Commissions to the Lord-Lieutenants, and their Deputies, to proceed to the Trial, Judgment and Execution of Mariners, Soldiers, or other disorderly Persons joining with them (according to certain Instructions) as in time of War; and some were executed by these Commissions, nevertheless the Soldiers broke out into great Disorders: There were frequent Robberies, Rapes, Murders, and barbarous Cruelties; the High-ways were dangerous, and the Markets unfrequented.

2 Car.
Billeting of
Soldiers.
Martial Law.

Several Lords of the Council repair'd to their several Countries for the advancement of the Loan, and carried with them a List of the Nobility, Privy-Counsellors, Judges and Serjeants at Law that had lent or subscribed to lend, to be a Pattern to others: But Sir *Randolph Crew* shewing no Zeal for the advancing thereof, was remov'd from his place of Chief-Justice, and Sir *Nicholas Hide* succeeded him, who came in with a Prejudice after one so well belov'd, and the Duke appearing in his Advancement.

The Lords advance the Loan.

Sir Randolph Crew remov'd, and Sir Nicholas Hide made Chief-Justice.

The Bishop of *Lincoln* was accused for speaking some words concerning the Loan which reflected on the King; and Sir *John Lamb*, and Dr. *Sibthorpe* informed the Council how he favour'd the Puritans in *Leicestershire*: they said they told the Bishop what factious Puritans there were in that County, who refused kneeling at the Communion, and what Fasts they kept, one from nine in the Forenoon till eight at night, and desir'd leave to proceed against them *ex Officio*. But the Bishop reply'd, he would not meddle with them, that he expected not another Bishoprick, and he would not draw the Puritans upon him, for they would carry all at last; and he said, the King had given an Answer to the Commons in favour of Puritans*. Others inform'd, That at that Conference the Bishop asked what manner of People the Puritans were; for his part he knew of none: Sir *John Lamb*

The Bishop of Lincoln complain'd of.

Refuses to proceed *ex Officio* against the Puritans.

* Meaning the King's Answer to the Petition at Oxford against Recusants.

An. 1626.

*Puritans de-
scribed by
Sir J. Lamb.*

Lamb reply'd, That they seem to be such as would not swear, whore, or drink, but yet would lie, cozen and deceive; that they would hear two Sermons a day, and repeat the same too, and afterwards pray, and sometimes fast all day. The Bishop ask'd, whether those People lent freely upon the Loan? and *Lamb* and *Sibthorpe* affirming they did; then said the Bishop, they can be no Puritans, nor would he give way to any Proceedings against them. These Informations were seal'd up and deliver'd to Mr. *Trumbal* Clerk of the Council: For which and some other matters an Information was afterwards prefer'd against the Bishop in the Star-Chamber.

1627.

*Sir Charles
Morgan Gene-
ral of the Eng-
lish Forces.*

The King having 6000 Foot in the Service of the *United Provinces*, they were call'd off to join with the King of *Denmark*, under the Command of *Sir Charles Morgan*, and 1300 more were afterwards sent to him.

*The Refusers to
lend severely
dealt with.*

The Loan did not pass currently with the People, several within the Liberties of *Westminster* refused to subscribe, alledging Poverty; and tho it was offer'd them, that if they would but subscribe, they should pay nothing if found unable, yet they refused: whereupon they were impress'd to serve in the Ships ready to go out; and divers others of the common sort were dealt with in the like manner. But those of the better Rank in the several Counties were some of them bound by Recognizance to appear at the Council-Table, and others of them committed to Prison: And the Benchers of *Lincolns-Inn* receiv'd a Letter of Reproof from the Council for neglecting to advance the Service.

*Dr. Sibthorp's
Sermon con-
cerning the
Loan.*

For the Advancement of the Loan, Dr. *Sibthorpe* publish'd in Print a Sermon preach'd by him at *Northampton* at the *Lent-Assizes*, *Febr. 22. 1626.* entituled, *Apostolical Obedience*; it was licensed by the Bishop of *London*, and dedicated to the King: His Text was *Rom. 13. 7. Render therefore to all their dues.* He said he observ'd the forwardness of the Papists to offer double, according to

to an Act of Parliament so providing, yea they professed they would part with half their Goods: And why is this Forwardness in them, but to cast the imputation of Frowardness on us? That it is the Princes Duty to make Laws, *Eccles. 8. 3, 4. He doth whatsoever pleaseth him; and who may say, What dost thou?* That if Princes command any thing against the Laws of God, or of Nature, or impossible, the Subjects are bound to undergo the Punishment, and so yield a Passive Obedience; but in all other cases but those three they are bound to yield an Active Obedience.

Active and Passive Obedience.

Dr. Roger Manwaring promoted the same business in two Sermons preach'd before the King at *Whitehall*, wherein he affirmed, That the King is not bound to observe the Laws concerning the Subjects Rights and Liberties; and his imposing of Loans and Taxes, tho without common Consent in Parliament, doth oblige the Subjects Conscience upon pain of eternal Damnation: That they who refuse to pay this Loan are guilty of Impiety, Disloyalty and Rebellion: That the Authority of Parliament is not necessary for the raising of Aids and Subsidies, the slow Proceedings of such great Assemblies being not fit for the Supply of the State's urgent Necessities.

Dr. Manwaring's two Sermons to the same purpose.

The Papists were so liberal on this occasion, that it was said, that the Papists were exceeding Orthodox, and the Puritans the only Recusants.

Disputes and Distastes had arisen between the Courts of *England* and *France* about the Government of the Queen's Family. For by the Articles of Marriage it being agreed, That the Queen should have a certain number of Priests for her Household Chaplains, with a Bishop to exercise Episcopal Jurisdiction; it was pretended that the Pope had Jurisdiction of the Queen's whole Family, especially the Appointment of the Ecclesiasticks, and the King (an Heretick) could not intermeddle therein: and the Queen insisting to have the naming her Officers and Servants, and being therein crossed, some Distaste grew between

Distastes between England and France.

An. 1627.

The French
dismissed.

Ill resented in
France.

The King's De-
claration of
War against
France.

her and the King. These things the King represented to his Brother of *France*, and that he would remove the Cauſers of theſe Diſturbances, if there were nothing more than this, *That they had made her go to Tyburn in Devotion to pray there*: That ſome of them had ſo abuſed his Patience, and affronted his Perſon (reflecting chiefly upon *Madam St. George*) that he would endure it no longer. And accordingly the King ſent back into *France* the Queen's Retinue of *French*, and gave the *French* King an account thereof by the Lord *Carlton*: But this was ſo ill reſented in *France*, that Audience was denied him; and thoſe who return'd into *France*, having loſt their Expectations of raiſing their Fortunes, heightned the Diſcontent: This breaks out into a War, and King *Charles* was at once engag'd againſt two great and mighty Princes. It was an Abbot, who in revenge to Cardinal *Richlieu* (by whom he had been diſoblig'd) labour'd, and at laſt effected the diſmiſſing of the *French*; and to heighten the Difference between the two Crowns, represented to the Duke of *Buckingham* how hardly the Proteſtants were treated, notwithſtanding the Edict of *Peace*. This procur'd the King's ſending *Devic* to the Duke of *Rhoan*, who engag'd to raiſe 4000 Foot, and 200 Horſe; and the Duke of *Sobiez* and *Monſieur St. Blanchard* endeavour'd to haſten out our Fleet and Army for the Relief of the Proteſtants in *France*.

The King declar'd, as a Ground of this War, That *France* (whoſe Counſels were influenced by the Houſe of *Austria*) had obſtructed the landing of Count *Mansfield's* Army there contrary to promiſe, inſtead of joining their Forces with them for the Recovery of the *Palatinate*, whereby that Army was ruin'd, and the whole Proteſtant Party in *Germany* loſt: That, contrary to the Articles of Peace between the *French* King and his Proteſtant Subjects, by the Mediation of the King of *England*, the *French* King had block'd up their Towns, Garifons and Forts, and had committed great

great Spoils upon them, and had in full Peace seized upon 120 *English* Ships, with their Merchandize and Artillery.

The Duke of *Buckingham* was made Admiral, and Commander in chief of the Land Forces. And in his Commission it was expressed, That whereas at the Request of his Brother-in-Law, and only Sister, the Prince and Princess *Palatine*, the King had the last Year set out a Royal Fleet for recovery of their Rightful Patrimony; he hath now prepared a new Fleet which he intends speedily to set out, to be imployed on the behalf of his said Brother-in-law, whereof he appoints the Duke of *Buckingham* Admiral, Captain-General and Governor, with such Soldiers and Land-forces as shall be conveyed therein, to fight against his said Brother-in-law's, and Sister's Enemies; and to advance to the Order of Knighthood such as he shall think fit in his discretion.

D. of Buckingham Admiral and General. His Commission.

June 27. The Duke set sail from *Portsmouth* with 100 sail of Ships, and about six or seven thousand Land-Soldiers, and appeared with his Fleet before *Rochel*; who now shut their Gates at their appearance. Whereupon the Duke of *Sobiez* and Sir *William Beecher* (who had Letters of Credence from his Majesty) went ashore, and were admitted into the Town; where Sir *William Beecher* declared, That the Duke was come with a Fleet and Army to require from the *French* King, on behalf of the Protestants, the performance of the Articles of Peace made by the King of *England's* Mediation, protesting that if they now refused to give their Assistance, his Master was acquit of his Ingagement for their Relief.

He sets sail.

The Rochellers jealous of the English.

Sir Will. Beecher's Messages.

The Magistrates, and wealthier sort of People (there being a Court Party also prevalent in the Town) gave his Majesty and the Duke their humble Thanks; but said, they were bound by their Oath of Union to do nothing without the consent of the rest of the Protestant Party: but *Sobiez* had strong assurance from the well-affected there, that the *English* should be assisted with Supplies from thence.

They excuse themselves.

T 2

When

An. 1627.

The Duke's
first Design.

He lands at
the Isle of
Rhee. A sharp
Encounter.

The English
pursue not their
Victory.

The French
Court astonish'd.

The Duke's
Manifesto.

The D. blocks
up the Citadel
of St. Martins.

When *Sobiez* went to *Roche*, the Duke communicated his Design to him of landing his Army in the Isle of *Oleron* near *Roche*, and not at *Rhee*, which was further distant; which *Sobiez* approved of, the Forces there being few, and the Forts weakly mann'd, whereas the Isle of *Rhee* had a considerable Force, and a Citadel well fortified. But before *Sobiez* returned from *Roche*, the Duke alters his Mind, and directs his Course to the Isle of *Rhee*, where several brave Commanders, and about 1200 Men landed; but were presently encountered by *Toras* the Governor, with the *French* Horse and Foot. Many Commanders (and among them *Monsieur St. Blanchard*, and *Sir William Heyden*) fell; few of the *English* were unwounded, and some hundreds of them slain. At length the *English* forced their way, and the whole Army landed; *Toras* retreated to the Cittadel at *St. Martins*, and got in Men and Provisions thither, while the *English* were so far from pursuing their Victory, that in five days they never moved: The Fort *La Prie* (meanly victualled and manned) was at that time neglected, the gaining whereof would have secured a retreat for the *English*, and impeded the landing of the *French*.

This caused a great Astonishment in the Court of *France*, and that King offered advantageous Terms to the Protestants, if they would not join with the *English*; and particularly to the Duke of *Rhoan*.

The Duke of *Buckingham* published a *Manifesto*, justifying his Master's taking up Arms, giving this for one Reason, That the *French* King employ'd the *English* Ships against *Roche*, contrary to promise, and lodges his Army at the Burgh of *St. Martins*, which the Enemy quitted and retreated into the City, leaving a Well, which not being presently made unserviceable to the Enemy, they drew a Work about it, by which Well they subsisted during the Siege. The Duke blocked up the Citadel, resolving to take it by Famine.

Sir

Persons confined and secured about the Loan.

Sir Thomas Wentworth afterwards Earl of Strafford, George Ratcliff Esq; afterwards Sir George, Sir Walter Earle, Sir John Strangeways, Sir Thomas Grantham, Sir John Heveningham, Richard Knightley Esq; Sir Nathaniel Barnardiston, William Coriton Esq; Sir Harbottle Grimston, Sir Robert Points, John Hampden Esq; and several other Knights and Gentlemen who refused the Loan, were confined, not in their own but Foreign Counties. And the Council ordered, That such as did not yield Obedience thereunto, should be committed close Prisoners; and many of those Gentlemen confined to Counties, were afterwards sent for by Pursivants, and committed to several Prisons; and others remained in the Custody of the Messengers.

And from the Gatehouse Sir John Elliot petitioned his Majesty to this effect; That the sense of his Duty to Religion, Justice, and his Majesty, and not Stubbornness and Will, hath been the Motive of his forbearing to condescend to the Loan. The Law he takes to be the Rule of Justice, to which Religion binds up the Conscience. In this particular therefore of the Loan, he hath had recourse to the Laws, to be satisfied by them how far the Obligation might extend: And finds it granted by King E. I. to the Commons, That no Aids, Taxes, or Prizes, shall be taken but by common Assent of the Realm. And by the same King by two other Laws it was enacted, That no Tallage or Aid should be taken or levied without the Assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other Freemen of the Land. And it was granted by King E. III. That the People should not be grieved to sustain any Charge or Aid, but by the common Assent, and that in Parliament. And afterwards upon a Petition of the Commons in Parliament it was established, That the Loans granted to the King by divers Persons be released, and that none from henceforth be compelled to make such Loans against their Wills, because it is against Reason, and the Fran-

Sir John Elliot's Petition concerning the Loan.

An. 1627.

chises of the Land. And by another Act in the time of R. III. it was ordained, *That the Subject in no wise be charged with any such Charge, Exaction, or Imposition, called a Benevolence, nor such like Charge; and that such Exactions be damned and annulled for ever.*

Such, said he, were the Opinions of those Times; and of some of these Laws they bound the Observation with a Curse, as that of 33 E. 1. and also under pain of Excommunication, as the other of the 25th of the same King. He offers also these other Reasons from the Action it self: That the Commission and Instructions, accompanied with the Authority of the Great Seal, import a Constraint; whereas the Aids given to his Majesty's Ancestors, were *ex spontanea voluntate, & charitate Populi*. That he could not, without yielding up those Immunities of the People, which are derived to them from the Clemency and Wisdom of his Majesty's Progenitors, become an Actor in this Loan, which by Imprisonment and Restraint was urged contrary to the Great Charter so many times confirmed. And tho we are well assured by his Royal Promise, that it should not become a Precedent during his Reign, yet he fears occasion might be taken thereby in succeeding Ages to strike at Property; nor can he take upon himself the Violation or Impeachment of those Laws so piously enacted. He prayed his Majesty to take these things into his consideration, to restore him to Favour and his Liberty, and afford him the Benefit of those Laws. Notwithstanding which Petition he continued a Prisoner in the *Gatehouse*, till the general Order of Discharge. And Sir Peter Hayman refusing to part with Loan-Mony, was told by the Council, That if he did not pay, he should be put upon Service: And accordingly they commanded him to go upon his Majesty's Service into the *Palatinate*; which (having first settled his Estate) he performed, and afterwards returned into *England*.

Archbishop *Abbot* having been long slighted at Court, now fell into the King's high Displeasure, for refusing to license Dr. *Sibthorp's* Sermon, intitled *Apostolical Obedience*; and not long after he was sequestred from executing the Office of Archbishop, and a Commission under the Great Seal, dated 9 Octob. 3 Car. was directed to the Bishops of *London, Durham, Rochester, Oxford, and Bath and Wells*, empowering them to exercise Archiepiscopal Jurisdiction during the King's Pleasure. For a Memorial of which Proceedings, the Archbishop left a Narrative under his hand, the Substance whereof is as follows.

3 Car.
ABP Abbot in
disgrace.

A Commission
to sequester
him.

He said it was without Example, that in the Sunshine of the Gospel, and under a gracious King, a Man of his Place and Years, who hath done some Service in the Church and Commonwealth, and one infirm in his Body, should be removed from his Habitation, and thrust into one end of the Island (tho into his own Diocess) being of the Age of 65 Years, afflicted with the Gout and Stone, and untainted in his Actions: tho his Master King *James* had a searching Wit, and wanted not Misreporters about him; yet this Innocence and good Fame to be overturned in a moment, and a Christian Bishop to be made *Fabula vulgi*, and tossed upon every Man's Tongue, must needs presuppose some Crime which is discovered to the King, and hath drawn his Indignation upon him. That his indisposition of Body keeping him from Court, his Maligners traduced him as if he disliked Proceedings; which abstaining perhaps pleased neither the King nor the Great Man. And tho, as things were carried, he had no great inducement to draw him abroad; yet the true reason of his retiredness, was the weakness of his Feet, proceeding from the Gout, so that he could not go up or down Stairs without the assistance of another: And tho he might have been carried, as was the Lord Treasurer *Burleigh*, yet he did not think his Service so necessary as his Lordship's was; and he knew that in

His Narrative.

His Age and
Infirmities.

An. 1627.

*He stoops not to
the Duke.*

*Foretold of the
Duke's displea-
sure.*

*Sibthorp's
Sermon for
Loan-mony.*

the Courts of Princes there was little sense of the Infirmities of old Age, or compassion upon the bodily Defects of any: notwithstanding he was no unprofitable Servant in the King's Affairs, but did all he could do in his House, as in keeping the High-Commission Court, and dispatching of References from his Majesty. But these things reach not to the reason of his being discarded.

The Duke of *Buckingham* could endure no Man that would not depend upon him: But he (the Archbishop) who had learned his Lesson from his old Royal Master, To be no Man's Servant but the King's, went on in his own way, which he as well as others suffer'd for, nothing wherein he moved the King succeeding.

What befel the Earl of *Arundel* and Sir *Randal Crew* is well known, and no doubt the Duke blew the Coals. He said, that Sir *H. S.* gave the first Light what would befall him: This Knight being of more Livelihood than Wisdom, had married the Lady *D.* Sister to the Earl of *E.* and had so treated her, that she was enforced to sue him in the High-Commission Court: And he being made known to the Duke, by that means got a Letter from the King to forbid the Commissioners to proceed: Which by another Letter being countermanded, the Ecclesiastical Commissioners went on, and he would needs plead his own Cause; but behaved himself so ill, that the Archbishop was enforced to threaten him he would commit him. This so nettled the young Gallant, that in few days after he bolted it out in Company, That the Duke intended to turn the Archbishop out of his Place, and only waited for an Occasion; and an Occasion fell out thus.

There was one *Sibthorp*, who not being so much as a Batchelor of Arts, had the Title of *Doctor* conferred upon him: He had two Livings, and married the Daughter of Sir *John Lamb*; and was put into the Commission of Peace. In *February* last he preached the Assize Sermon at *Northampton*, and magnifying the Power of Kings

Kings, he said, They had Power to put Poll-mony upon their Subjects Heads, with other things distastful to the Auditory. And thinking the printing of his Sermon would get him Favour at Court, he got a Bishop or two to recommend it to the Duke, who procured the King to send it to the Archbishop to license: whereupon must follow, that either he license it, and then all indifferent Men would discover him to be a base unworthy Beast; or if he refuse, he should fall into the King's Displeasure.

Mr. *William Murray*, now of the King's Bed-chamber, brought the Sermon to the Archbishop, and told him, it was the King's Pleasure he should license it, for he would have no Books allowed but by him and the Bishop of *London*. That my Lord of *London* licensed one the other day (*Con- fess* his Book) and the King would have the Archbishop license this. The Archbishop said, That that was the Work of his Chaplains, and what his old Master King *James* never put him to; but if he left it with him, a day or two hence he should understand his Mind. Upon Mr. *Murray's* return the Archbishop took these Exceptions.

Sent to the
ABp to license.

1. He conceived the King intended this Sermon should advance the Loan, but it crosseth it; for it is said, *That all Subjects are bound to their Princes, according to the Laws and Customs of the Kingdom wherein they live.* But there is neither Law nor Custom for this Loan.

His Exceptions
to the Sermon.

2. Those words, *Habemus necessitatem vindicande libertatis*, are dangerous words; for *vindicare* may be construed to challenge with Violence, *cum vi*.

3. Here is mention of Poll-mony, which (he heard) caused great distaste in the Auditors.

4. It saith, By an Act of Parliament the Papists are to pay double, when there is no such Act.

5. It saith, The Princes of *Bohemia* have power to depose their Kings, which is a great Question that hath already cost much Blood: and he desired Mr. *Murray* to acquaint his Majesty herewith.

An. 1627. with. When Mr. *Murray* returned, he reported the King's Answer.

The King's Answer thereunto.

1. That for the Laws and Customs he had a Precedent for what he did, and would thereon insist. To which the Archbishop reply'd, That was a mistake: For King *H. 8.* desired but the 6th part of Mens Estates; our King the whole 6 parts, viz. as much as in the Subsidy Book, and yet that 6th part was like to have caused a Rebellion.

2. The King saith, He takes *Habemus necessitatem vindicandæ libertatis* to be for him, and he will stand on his Liberty.

3. For Poll-mony he thinks it lawful.

4. It's true, there is no such Act, and therefore that must be amended.

5. For that of *Bohemia* he hath crossed it out of the Book.

The Archbishop took two or three of these Answers to be very strange ones: But there being other Matters of Exception as well as these, he being lame, and disabled to wait on the King, he desired the Bishop of *Bath* and *Wells* * might be sent to him, to whom he would make known his Scruples. A day or two after Mr. *Murray* came again and told the Archbishop, The King did not think fit to send the Bishop of *Bath* to him, but expected he should pass the Book. And the Duke complaining to the King of this Delay, and that the Book would not be printed before the end of the Term, the next Message the King sent to the Archbishop by Mr. *Murray* was, That if he did not dispatch it, he would take another Course with him. Whereupon he sent to the King in writing his Objections against the Book.

* Laud.

Other Objections against the Sermon.

1. It's said, *And whereas the Prince pleads not the Power of Prerogative.* These words ought to be well weighed.

2. It's said, *The King's Duty is to direct and make Laws.* 'Tis true, the King assents to Laws, but the words (*make Laws*) will startle Men.

3. If

3. *If nothing may excuse from active Obedience, but what is against the Law of God, or of Nature, or impossible. How doth this agree with his first Position, That Subjects are bound to their Princes according to the Laws and Customs of the Kingdom?*

4. *The Poll-mony in St. Matthew was imposed by the Emperor as a Conqueror; and the like in England in the time of King R. 2. (when only it was used) had a terrible effect.*

5. *The Reign of H. 3. is cited, a Book surreptitiously put out.*

6. *All Antiquity is for absolute Obedience to Princes in all Civil and Temporal things. Doth not Naboth's Vineyard fall within this?*

7. *Sixtus Quintus was dead before the Year 1580.*

8. *Weigh it well, How the Loan may be called a Tribute; and when it's said, We are promised it shall not be immoderately imposed, how that agreeth with his Majesty's Commission and Proclamation?*

Bishop *Laud* was set to answer this, being the only inward Counsellor with *Buckingham*. His Business at *Oxford* was to pick Quarrels in the Lectures of the Publick Readers, and inform the Bishop of *Durham* thereof, that he might incense King *James* against the Puritans. He married the Earl of *D.* to the Lady *R.* when it was notorious known she had another Nobleman then living to her Husband, and several Children by him: For which King *James* for many Years would not prefer him, but at length by the mediation of *Williams* Bishop of *Lincoln*, he got the Bishoprick of *St. Davids*, and then undermined his Benefactor. To countenance this Answer drawn by *Laud*, Dr. *Neal* Bishop of *Durham*, and the Bishops of *Rocheſter* and *Oxford* were called in; and *Neal* and *Laud* for this Service, and in hopes of their doing more, were sworn of the Privy Council.

Bp Laud is employed to answer them.

He was advanced by Bp Williams, and undermines his Benefactors.

He and Bishop Neal sworn of the Council.

Mr. *Murray*, as from the King, came to the Archbishop (then in his Bed, and ill of the Stone) with

An. 1627.

*Murray brings
the Answer to
the ABp's Ob-
jections, but
would not suffer
him to read it.*

with this Writing. The Archbishop would have read it: No, said *Murray*, you must not read, nor handle it, but I am to read it to you. The Archbishop said, he could not reply to it but in his Study where his Books were. But that would not be granted, unless Mr. *Murray* fate by all the while. Then Mr. *Murray* read it throughout, being two or three Sheets of Paper. The Archbishop said, It was very bitter, but gave him no satisfaction; and if he would leave it with him, he would batter it to pieces. But Mr. *Murray* said, he was forbidden to suffer him to touch it. The Archbishop desired him to tell the King, he was dealt with neither like a Man nor a Scholar; that the Author of the Sermon had not quoted the places whereon he grounds his Doctrine, and he dares not take them upon the Credit of the Writer; and that unless he may have all the Quotations set down, and that Writing, he could not allow the Book.

As to the Exceptions the Archbishop sent to the King;

To the 1st Mr. *Murray* said, the King pleaded not Prerogative: The Archbishop replied, By what then doth he imprison the Refractories, for there is no Law for it?

To the 2^d and 3^d nothing material was answered: But he remembered that when *Harsnet*, then Bishop of *Chichester*, had affirmed in his Sermon at *Whitehall* (which Sermon was afterwards burned) That Goods and Monies were *Cesar's*, and therefore not to be denied to him, and the Parliament then sitting took great offence thereat; King *James* to calm them told both Houses, the Bishop only fail'd in this, That he did not say they were *Cesars* according to the Laws and Customs of the Country.

4. To that about the Poll-mony, the Bishop in his Paper answered, That sometimes among us, by Act of Parliament, Strangers are appointed to pay by the Poll, which nothing agreeth with our Case.

To

To the 5th the Bishop answer'd, There was no harm in a good Passage, tho out of an ill Book.

As to the 6th about *Naboth's Vineyard*, the Bishop was in a rage, and said, It was an odious comparison, for it supposed an *Ahab* and a *Jezabel*: But he is sure his Exception stands true, for all *Antiquity* taketh the Scripture into it; and by this Rule, if the King had sent to the Archbishop, and all the Clergy in *England*, for all their Mony and Goods, or to the City of *London* for all their Wealth, they are bound to send it him.

For the 7th, they have in the printed Book changed *Sixtus Quintus* into *Gregory* the 13th.

To the 8th no Answer was made.

Upon the whole Matter the Archbishop saith, he refused to authorize the Book, and was sorry the King would rest so great a Building upon so weak a Foundation as that slender Treatise, coming from a hungry Man. He saith, it seemed strange to him, That in the upshot of this business of the Loan, he should be called in to make that good by Divinity which others had done, and that upon no other Inducement than Dr. *Sibthorp's* contemptible Treatise. Somewhat like the Earl of *Somerset's* Case, who abused the Earl of *Essex* his Wife, must have her divorced from her Husband, and then marry her, and the Archbishop of *Canterbury* must ratify all judicially. He saith, when the Approbation of the Book was refused by him, it was carried to the Bishop of *London*, who gave a stately Allowance of it.

Before it passed the Bishop's File, it was brought to his Chaplain Dr. *Worral*, who hand over-head allow'd of it: But having better considered of it, got a Learned * Gentleman of the *Inner-Temple* to peruse it, who told him, if that Book were true, there is no *meum* and *tuum* in *England*; and if ever the Tide turned, he would be hang'd for publishing it. The Doctor thereupon razed his Name out of the Book, and his Lord allowed it without any Scruple.

Sibthorp's Sermon licensed by the Bishop of London.

* Mr. Selden.

The

An. 1627.

*A Continuation
of the Narra-
tive, the Duke's
Malice to the
Archbishop.*

*The ABp com-
manded to
withdraw him-
self.*

The Archbishop goes on with his Narrative: He saith, the Duke (who was one of them of whom *Tacitus* observeth, That such as are false in their Love are true in their Hate) was at first earnest with the King that the Archbishop might be sent away to *Canterbury* before the Duke's going to Sea, lest he should in his absence come to *Whitehall* and the Council-Table, and cross his Designs: But upon better Consideration, it was to be done after the Duke was gone, that the blame (if any) may be laid wholly upon the King; which was an usual course with the Duke. So when the King had spoken sharply to both Houses, requiring more Mony, and that they meddled no more with the Duke; the next day the Duke came, and endeavour'd to smooth all again; whereas the pleasing things are to be done by the Prince, and those that are distasteful by his Ministers. According to this latter Resolution, on the 5th of July 1627. after the Duke was gone, the Lord *Conway* came to the Archbishop at *Croyden*, where he din'd with him; and they two retiring after Dinner into the Gallery, the Archbishop (who was prepar'd for it) told him, that he knew that coming from Court he had something to say to him: The Lord *Conway* after an Excuse full of Civility, told him it was true; it was his Majesty's Pleasure, that he should withdraw himself to *Canterbury*, for which he would afford him some convenient time. The Archbishop said he was ready to obey the King, but there were Suits between him and that Town about the Liberties of his Archbishoprick, the Dean and Chapter being likewise interested in the Question, and he would be unwilling his Servants and the People there should fall together by the Ears. He said, his Majesty knoweth of this Difference by the token that a *Quo Warranto* brought by him in the King's-Bench was stopped, and Justice denied him, and the King knoweth by whose means: That he had another House call'd *Foord*, five Miles beyond *Canterbury*, if his Majesty would please

please to let him go thither. The Lord Conway said he would acquaint the King with it: But he had another Charge to deliver to him, viz. That he meddle no more with the High Commission. The Archbishop expressing a desire to know the cause of all this, the Lord Conway told him, it was for a Book he would not allow, which concern'd the King's Service.

3 Car.
And to forbear
the High Com-
mission.

Lord Conway
tells the rea-
son.

The Archbishop saith, it comforted him that his Confinement was not for Felony or Treason, or for Correspondence with the Spaniards or French, or with Jesuits or Seminary Priests, or any other grievous Crime, but for not allowing of a Book. He told the Lord Conway, that perhaps the King was offended at him, because he did not attend the business of the Loan, but his Lameness hindred him; and he thought that he not being concern'd in the late Bitternesses, might be a fitter Instrument of Reconciliation between the King and his People. The Lord Conway being gone, and the Archbishop not hearing of him in two or three days to what place in Kent he should betake himself, and being perswaded there was no good intended him, he wrote July 10. 1627. to the Lord Conway, That he had three Houses in Kent, one at Canterbury, another call'd Foord, and another call'd Becksburne, and desir'd to know whether his Majesty would leave the choice to him, which of them to reside in, or he might know the definite place, that he might make his Provision of Wood, Coals and Hay. To which the Lord Conway answer'd, That if his Majesty had known the Differences between him and the Town, he would not have cast him into that Inconvenience: That he was well pleased he should go to Foord, and did not expect when the Question was ended between his Grace and the Town, that he should go to Canterbury: That his Majesty would not tie him to so short a time as might be inconvenient to him, but expected his Grace would govern it so, that his Majesty shall not need to warn him a second time.

The ABp writes
to the Ld Con-
way to know
the Place of his
Confinement.

Lord Conway's
Answer.

An. 1627.

time. Of which last Passage in the Letter, the Archbishop said he needed no Interpreter, and therefore took order for the getting of *Foord* ready.

Offence taken
at the ABp by
the Duke.

K. James bad
him live like an
Archbishop.

Sir D. Diggs
examin'd about
the ABp,

Whose Pupil he
had been.

In the mean time the City of *London* was filled with the Report of his Confinement; and it was said, a main matter the Duke took ill, was the resort to the Archbishop's House at Dinner and Supper of such as did not love him. To that the Archbishop said, That Hospitality is a Property requir'd by *St. Paul* in a Bishop: That he had no Wife or Child, and for his Kindred he did for them what he held fit, but he would not rob the Church nor Poor for them: And 'tis so rare a fault that he may be pardoned for it. And when King *James* gave him the Bishoprick, he bad him live like an Archbishop, which he promised to do. That when Men come to his House, he never examin'd what Exceptions the Duke had to them; and if he should have entertain'd none but such as cordially loved the Duke, he might have often gone to dinner without Company: That there frequented him several of the highest Rank: As for Men of less Quality, there were three to whom Exception was taken, one was Sir *Dudley Diggs*, who when in the Fleet was strictly examin'd, whether the Archbishop had not instigated him to accuse the Duke in Parliament, which he utterly denied, as well he might. And how can he imagine but the Words and Actions of Sir *Dudley* have been misreported, when he himself saw the Duke stand up nine times in a morning in the Parliament-House to fasten on him words little less than Treason? of which he was afterwards acquitted by the Votes of both Houses: That this Knight had been formerly publicly imploy'd, once to the *Hague*, secondly into *Muscovy*, and thirdly into *Ireland*; such Opinion was then had of him. He was the Archbishop's Pupil at *Oxford*, and calls him Father. The second Person named was Sir *Francis Harrington*, whom he had not seen for many years, and who was never in his

his House but once. The third was Sir Thomas Wentworth, who had good occasion to see the Archbishop; they two being joint Executors to Sir George Savile, who married Sir Thomas his Sister, to whose Son they were also Guardians; and yet the Archbishop saw this Gentleman but once for these last three quarters of a year.

3 Car.
The cause of the Archbishop's and Sir Tho. Wentworth's Correspondence.

It was told the Archbishop by the Lord Conway, That he must meddle no more with the High-Commission, and accordingly a Warrant passed for renewing the Commission, and leaving him out: But this was no more than what was done to those Lords and Gentlemen who refused to contribute to the Loan, and were all laid aside in the Commissions of the Lieutenancy, and of the Peace.

The Refusers to lend displac'd.

This High Commission Court was a Point of great Policy, for the castigating exorbitant Clergymen, and the censuring such Crimes in the Laity as were of Ecclesiastick Cognizance. He saith, it was his care to keep it free from Corruption, and that things might run on in a right course: This cost him much trouble, being forced sometime to be carried into Court, and being never free from Petitions, Examinations, signing of Warrants, &c. There was no allowance to the Judges of that Court of Pay from the King, or of Fee from the Subject; and the holding of it was very expensive to him in giving weekly Entertainment to the Commissioners; it being King James his Direction to him, That he should always call to him some Bishops, and some Divines and Civilians, to give the more Reputation to that Court, and to invite weekly some of the Judges to Dinner to allure them thither: But whereas then the Commissioners were but few, there hath been of late such an Inundation of them, that they and their Servants were a Burden to him; that alone, since he was Archbishop, having cost him 1500 l. or 2000 l. and his House like a great Hoftry every Thursday in the Term. And who can think the taking him off from all

The usefulness of the High-Commission-Court.

An. 1627. this trouble, he growing into Years, and consequently into Weakness, and having so long surfeited of Worldly Pumps, can be any Punishment to him?

The ABp comes not to the Star-Chamber or Council, and why.

It was objected, that he came not to the Star-Chamber or Council-Table. To that he said, his Gout must excuse him; for when he had his Health he was not one day missing from the Star Chamber for seven years together: But for the Council, the main matters there were Money or War: For Money they of the Clergy had done their parts already, having put themselves into Payments of Subsidy by an Act of Parliament: For War he confessed his Ignorance, nor did he know the grounds of the Controversies; he thought before Wars Treasure should have been provided: That it was not good to fall out with many great Princes at once: That the turning of our Forces another way, was a weakning of the King of *Denmark*, who was engag'd by us in the Quarrel of the *Palatinate* and *Germany*: But he kept his thoughts to himself; and he always went to the Council when sent for saving once, when he was ill; nor wanted there Counsellors, the number being so increased of late. Besides, he

The little Esteem he was in.

Montague's and Cosen's Books.

Prosecution of Papists forbidden by K. James and K. Charles.

Whose Papist he had been.

saw in how little Esteem he was, even in Ecclesiastick Matters, being no more acquainted with Bishopricks, Deaneries, or Church-Places, than if he had dwelt at *Venice*; the Duke of *Buckingham* managing all; for what was not he fit to determine? *Montague* put out his *Arminian* Book; the Archbishop three times complain'd of it, but he was upheld by the Duke. *Cosens* put out his seven Sacraments, but he knew nothing of it. King *James* in the latter end of his Reign sent a Letter to the High Commissioners, forbidding them to meddle with Papists. And in the beginning of King *Charles* his Reign such another Letter was sent them: Afterwards when the Term was at *Reading*, they were set at liberty to act as formerly; and then several Priests were taken by their Pursivants, and not long after they were all set free,

free, and the King commanded all the Pursivants Warrants to be taken from them, on pretence they had behav'd themselves disorderly towards the Catholicks, so that he (the Archbishop) knew not what to make of this Variation of the Com-pafs.

Nor did he know what to make of the Loan, *The Archbishop* nor upon what Foundation that Building was *knew not what* raised: He saw the King's Necessities for Mony *to make of the* were great, but remembered great Sums were *Loan.*

offer'd in the Parliament, if the Commons Petitions might be hearkned to. He consider'd that it could not be but that a Man so universally hated as the Duke was, must for the Preservation of himself, desperately adventure on any thing, and believ'd this new device for Mony could not long hold, and that then we must return into the Highway again; but he never discourag'd any Man from lending. Saith, at the opening of the Commission he was sent for; but had not heard before that Men should lend Mony against their Wills: And when he saw in the Instructions that the Refusers should be sent away for Soldiers, he remembered *Uriah* that was set in the Forefront of the Buttel. And when he saw that Men were to be put to their Oath, with whom they had Conference, and whether any dissuaded them, and that divers were to be imprison'd, he thought it a new World. However when they came to sit in his House at *Lambeth*, he sat with them, tho he said nothing: Divers refused in *London* and *Southwark*, and many Gentlemen and some Lords, the Prisons were fill'd, and the Judges question'd the Legality of it. All this while he was silent, hoping time would put a Period to it. But when the allowance of *Sibthorp's* Pamphlet was put upon him, he had reason by that Sermon to fear that the Duke had a purpose to overthrow the Laws, and the Subjects Liberties, and to leave us to the Pleasure of the Prince: And should he have complied therewith, his Sovereign, if hereafter he looked well into the matter,

And thought it a new World.

An. 1627.

*The Duke's
rise by his
means.*

matter, might hate him for flattering and deceiving him.

*The Duke's Ac-
knowledge-
ment
at first, but In-
gratitude af-
terwards.*

As for the rise of the Duke of *Buckingham*, King *James* growing weary of *Somerset*, and the Kingdom longing to be rid of him, it was thought the best way to bring in some other Person in his room; and the King was observ'd to cast his Eye upon *George Villiers* then his Cupbearer: But the King had a fashion never to admit any one into nearness about him, unless the Queen made some suit for him; that if the Queen afterwards should complain of this Favourite, he might answer her she might thank her self, for it was she that recommended him. Divers Lords earnestly solicited her for *George Villiers*, but could not prevail till the Archbishop put his helping hand thereunto, whom she long denied also, telling him she knew the King better than all of them; for if that young Man be brought in, the first Man he would plague would be himself (the Archbishop) who interceded for him, and she should have her part too: For the King would teach him to despise them all and use them ill, that he may be beholden to none but himself. At last Queen *Anne* condescended, and so managed it, that the King assented, and in the Queen's Bed-Chamber knighted *George* with the Prince's Sword, and giving order to swear him of the Bed-Chamber, *Somerset* importun'd the King, that he might be only sworn a Groom: But the Archbishop and others that were at the door sent to her Majesty that she would perfect her Work, and cause him to be sworn a Gentleman of the Bed-Chamber. *George* as soon as he could get loose from the King came forth into the Privy Gallery, and there embracing the Archbishop, told him he would honour him as his Father, and beseeched him to give him some Lessons how to carry himself. The Archbishop gave him three: 1. To pray daily for the King, and for Grace faithfully to serve him. 2. To do all good Offices between the King and Queen, and
King

King and Prince. 3. To fill his Master's Ears with nothing but Truths; of which the King being told, said, they were Instructions worthy of an Archbishop: His grateful Demeanor continued a few days, but not long either to the Archbishop or any others.

This is the substance of the Archbishop's Narrative, which after his withdrawing into *Kent*, he said he wrote to lie by him to quicken his Remembrance.

Among those many imprison'd for refusing to lend upon the Commission for Loans, but five brought their *Habeas Corpus*, viz. Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, and Sir Edmund Hamden. In Mich. Term, 3 *Caroli*, Returns were made of their several Commitments, which were all of the same form. For instance, the Warden of the Fleet return'd, that Sir Walter Earl was detain'd in the Fleet by special Command of the King, to him signified by Warrant of several of the Privy-Council, in these words.

3 Car.

Habeas Corpus brought by some imprisoned about the Loan.

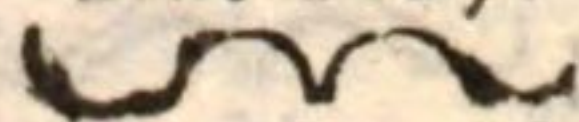
The Return.

Whereas Sir Walter Earl Kt. was heretofore committed to your Custody: These are to will and require you still to detain him, letting you know that both his first Commitment and Direction for the continuance of him in Prison, were and are by his Majesty's special Command.

Tho. Coventry, &c.

Sir Thomas Darnel was first brought to the Bar: and the Attorney-General Sir Robert Heath informing the Court, the King was told some of the imprisoned Gentlemen reported, that he denied them the course of Justice; Sir Thomas Darnel utterly denied the words, and pray'd it might make no Impression to the disparagement of his Cause. Sir Nicholas Hide Chief-Justice extoll'd the upright Proceedings of the Court, in granting them their *Habeas Corpus* as soon as demanded; and said it was the King's Pleasure that

An. 1627.



his Law should take place; that if any Man be wrongfully imprisoned, they have power to deliver him, if otherwise to remand him. The Attorney-General added, that tho this concerned the King in a high degree, yet he was so gracious and just, as to refer it to the determination of the Law. Then the Counsel assigned to the Prisoners by the Court, argued, and took Exception,

Exceptions taken thereunto.

1. To the Form of the Return; for that (1.) it is not positive, but referred to the signification made by another (the Lords of the Council). (2.) The Cause of the Commitment is not returned, but the Cause of the Cause. (3.) It sheweth the Cause of the Detainment, but not of the first Commitment. (4.) The Return is contradictory; for the first part saith, They are detained *per speciale mandatum Domini Regis*: And by the Warrant it appeareth to be by the Command of the King signified by the Lords of the Council.

2. The second Exception was to the matter of the Return, there being no Cause of the Commitment expressed; for no Freeman is to be imprisoned without due Process of Law, *Nullus liber Homo, &c.* And in the Charter of King John it is, *Nec eum in carcerem mittemus*; i.e. The King himself will not commit him to Prison. The end of this Writ is to return the Cause of the Imprisonment, that this Court may judge whether the Parties ought to be discharged or not, and whether the Cause of Imprisonment be none of those for which the Subject ought not to be imprisoned; and it ought to be expressed, that it was by Presentment or Indictment, or upon Petition or Suggestion to the King. And if these Gentlemen be not bailed, but remanded, the Subject may be restrained of his Liberty for ever. If upon a *Habeas Corpus* the Cause of Commitment is expressed, the Court is to judge whether it be a good Cause or not; but where no cause is shewed, the Court is to deliver the Party. The Commons

Commons petitioned King E. 3. That the Great Charter, and other Statutes, might not be infringed by making any Arrest by special Command. The King answered, There should be no such Arrests by special Command. But admit the Commitment by the Command of the King lawful, yet when a Man hath continued in Prison a reasonable time, he must be brought to answer, or be delivered; for he ought to be imprisoned for no longer time than of necessity he must: And so greatly doth the Law favour Liberty, that tho there may be a Term between the Test of an Original Writ and Return, where there is only a Summons; yet the Law allows not a Term between the Test of a Writ of *Capias* and the Return, where the Body of a Man is to be imprisoned.

At another day the Attorney-General argued for the King: He said, 1. The Return was positive enough; For 'tis said, they were detained *per speciale mandatum Domini Regis*, and the *mihi significatum* which follows, is no part of that Affirmation, or of the Return, but only added for the satisfaction of the Court.

The Attorney-General argues for the King.

2. The Cause it self, which is *causa causans*, is returned, *viz. speciale mandatum domini Regis*; the Warrant from the Lords of the Council being only *causa causata*.

3. The Cause of Detention is in this Case sufficient, without shewing the Cause of the first Commitment. Then he proceeded to the Matter of the Return, and to answer the Book-cases and Records cited for the Prisoners, and to produce Precedents on the King's behalf, all which are already in print.

Afterwards Sir Nicholas Hide Chief Justice, for himself and his fellow Justices, Dodderidge, Jones, and Whitlock, spake to this purpose: That for the Form of the Return, they conceived it a positive and absolute Return; for so are those words, That they are detained by the special Command of the King, and the words that fol-

The Court of King's Bench gives their Opinion.

An. 1627.
 A Continuation
 of the Narra-
 tive, the Duke's
 Malice to the
 Archbishop.

The ABp com-
 manded to
 withdraw him-
 self.

The Archbishop goes on with his Narrative: He saith, the Duke (who was one of them of whom *Tacitus* observeth, That such as are false in their Love are true in their Hate) was at first earnest with the King that the Archbishop might be sent away to *Canterbury* before the Duke's going to Sea, lest he should in his absence come to *Whitehall* and the Council-Table, and cross his Designs: But upon better Consideration, it was to be done after the Duke was gone, that the blame (if any) may be laid wholly upon the King; which was an usual course with the Duke. So when the King had spoken sharply to both Houses, requiring more Mony, and that they meddled no more with the Duke; the next day the Duke came, and endeavour'd to smooth all again; whereas the pleasing things are to be done by the Prince, and those that are distasteful by his Ministers. According to this latter Resolution, on the 5th of July 1627. after the Duke was gone, the Lord *Conway* came to the Archbishop at *Croyden*, where he din'd with him; and they two retiring after Dinner into the Gallery, the Archbishop (who was prepar'd for it) told him, that he knew that coming from Court he had something to say to him: The Lord *Conway* after an Excuse full of Civility, told him it was true; it was his Majesty's Pleasure, that he should withdraw himself to *Canterbury*, for which he would afford him some convenient time. The Archbishop said he was ready to obey the King, but there were Suits between him and that Town about the Liberties of his Archbishoprick, the Dean and Chapter being likewise interested in the Question, and he would be unwilling his Servants and the People there should fall together by the Ears. He said, his Majesty knoweth of this Difference by the token that a *Quo Warranto* brought by him in the King's-Bench was stopped, and Justice denied him, and the King knoweth by whose means: That he had another House call'd *Foord*, five Miles beyond *Canterbury*, if his Majesty would please

please to let him go thither. The Lord Conway said he would acquaint the King with it: But he had another Charge to deliver to him, viz. That he meddle no more with the High Commission. The Archbishop expressing a desire to know the cause of all this, the Lord Conway told him, it was for a Book he would not allow, which concern'd the King's Service.

3 Car.
And to forbear
the High Com-
mission.

Lord Conway
tells the rea-
son.

The Archbishop saith, it comforted him that his Confinement was not for Felony or Treason, or for Correspondence with the Spaniards or French, or with Jesuits or Seminary Priests, or any other grievous Crime, but for not allowing of a Book. He told the Lord Conway, that perhaps the King was offended at him, because he did not attend the business of the Loan, but his Lameness hindred him; and he thought that he not being concern'd in the late Bitternesses, might be a fitter Instrument of Reconciliation between the King and his People. The Lord Conway being gone, and the Archbishop not hearing of him in two or three days to what place in Kent he should betake himself, and being perswaded there was no good intended him, he wrote July 10. 1627. to the Lord Conway, That he had three Houses in Kent, one at Canterbury, another call'd Foord, and another call'd Becksburne, and desir'd to know whether his Majesty would leave the choice to him, which of them to reside in, or he might know the definite place, that he might make his Provision of Wood, Coals and Hay. To which the Lord Conway answer'd, That if his Majesty had known the Differences between him and the Town, he would not have cast him into that Inconvenience: That he was well pleased he should go to Foord, and did not expect when the Question was ended between his Grace and the Town, that he should go to Canterbury: That his Majesty would not tie him to so short a time as might be inconvenient to him, but expected his Grace would govern it so, that his Majesty shall not need to warn him a second time.

The ABp writes
to the Ld Con-
way to know
the Place of his
Confinement.

Lord Conway's
Answer.

An. 1627. low are only to certify the Court, that the Keeper of the Prison had returned the Cause truly, and not that he had no knowledg of the Cause, but by the signification of the Lords of the Council: And the shewing the Cause of the Detention, is well enough, for the Writ doth not demand the Cause why they were taken. And as for the Matter or Substance of the Return, viz. That they are detained in Prison by the special Command of the King: Whether this be good in Law is the Question (here he mentioned the several Precedents and Book-cases cited on each side) and concluded, That that which was to be judged by them was, Whether one committed by the King's Authority, and no Cause shewed, is to be bailed or remanded. He said, Mr. Attorney hath told them, The King hath done it, and they trust him in greater Matters. And upon these Grounds, Records, Precedents and Resolutions cited and produced, the Court is of opinion they cannot deliver them, but they must be remanded.

The Prisoners remanded.

Various Reports and Descants about the Business of the Isle of Rhee.

While these things were in agitation, various Advertisements came from the Isle of *Rhee*; many were dissatisfied with the Presents and Complements which passed between the Duke and the Governor of the Citadel there, and with the Governor's frequent sending out of Messengers, which gave the Enemy advantage of seeing our Works and Army. Others said, there must be a Parliament, that some must be sacrificed, and Bishop *Land* as like as any; which the Bishop hearing of, and acquainting the King therewith, the King bid him not trouble himself till he saw him forsake his other Friends.

The K. prepares a Supply to be sent thither under the E. of Holland.

And the King resolving to send a further Supply of Ships and Soldiers to the Isle of *Rhee*, order'd the Earl of *Holland* to *Plimouth*, where their Rendezvous was, to take the Mariners and Soldiers under his Charge and Command, and see them furnished with all Necessaries, and to be transported to the Isle of *Rhee*.

In which Island the *French* (notwithstanding our Army at Land, and a hundred Sail of Ships at Sea) got into the Harbour with Provisions; and Sir *John Burroughs* going to view the Works, was shot with a Bullet, whereof he presently died; his Death was much lamented.

3 Car.

The Citadel there relieved. Sir John Burroughs slain.

About this time Sir *Pierce Crosby* landed with sixteen hundred Men; and *Toras* advertised the *French King* of the low Condition he was reduced to. *Sandgrein* one of his Messengers escaped the Guards, and three others endeavour'd to swim to the Shore of the main Continent, whereof two miscarry'd. The *French King* alarm'd thereat, blocks up *Rochel* with his Army, to be near at hand to land Forces, under the favour of the little Fort so much neglected at first, and to put Victuals into the Citadel of *St. Martins*; which was effected from time to time, notwithstanding our Guards at Land and Sea.

Toras sends to the French K.

The *Rochellers* at length put forth a *Manifesto*, and declared for *England*. The Duke of *Rhoan* raised Forces to assist the *English*, and the *French* declared him and *Sobiez* to be Traitors, and that he that should kill *Sobiez* should be accounted Noble.

The Rochellers at length declare for England.

Toras entertains the Duke of *Buckingham* with hopes of a Surrender, and desires he might first send to the *French King*, that he might come off with Honour; which was granted, on condition an *English Gentleman* might accompany him, and have a safe Conduct into *England*. So they both went to the *French Court*, where the *English Gentleman* was secured: But the Party sent by *Toras* did his Errand, tho (because the other was detained) he was not at his Return permitted to enter the Citadel.

A Treaty for Surrender.

Toras renews the Treaty, and spins it out till a plentiful Relief got in of Men, Victuals, and Ammunition; and the Enemy upon their Pike-heads, shew'd the *English Mutton*, Capons, Turkeys, &c. Whereupon we went to work with Mine and Battery; and the *French* landing more Forces

The Citadel again relieved.

An. 1627. Forces under the Meadow-Castle, a Place unman-
 ned, the *English* (leaving their Trenches un-
 guarded) drew out to encounter them; and the
 Enemy securing themselves under the Castle, the
English retreated, but were forced to fight for
 the recovery of their Trenches, where many
 Lives were lost.

*A Retreat in-
 tended.
 Sobiez against
 it.*

*The Citadel
 stormed.*

*The Siege
 raised.*

*The Oversight
 of the English.*

A furious fight.

*The English
 slaughter'd and
 drown'd.*

This last Relief caused the Duke to think of
 retiring: but *Sobiez* telling him, That the Earl
 of *Holland's* Fleet was coming, that their Retreat
 would be the loss of *Rochel*, and an irreparable
 Dishonour to the King of *Great Britain*; the Duke
 continued the Siege, and on *Novemb. 6.* (the *Eng-
 lish* Commanders being against it, but the *French*
 zealous for it) stormed the Citadel, where were
 lost both Men and Honour, the Citadel being in-
 accessible: This, and the pouring in more *French*
 Forces into the Island, hastened the Duke to re-
 treat and ship his Men.

Accordingly, *Novemb. 8.* the Siege was raised,
 when the Rere-guard being scarce advanced, the
 Enemy equal in Foot, but far stronger in Horse,
 appeared: The Duke oftentimes drew up his Army,
 and made a stand in hopes of a Battel; but the
 wary *French* Commanders declined it, till the
English had gotten into a narrow Causey and
 Lane, having on each side deep Ditches and Salt-
 pits; at the entrance of which Causey they had
 neglected to raise a Fort to secure their Retreat;
 nor had they raised any at the further end near
 the Bridg to secure their passage over it. The
French having this Advantage, fell furiously on
 the Horse, who in their Retreat disordered the
 Foot. Great Execution was done upon the *Eng-
 lish*, many drowned in the Salt-pits and Ditches,
 and the Croud so great on the Bridg, that many
 were drowned in the River, and yet the *English*
 took Courage and faced about to fight the Enemy,
 who thereupon retreated over the Bridg: The
English lost many hundreds of Men, and many
 Colours.

Novemb.

Novemb. 9. The Army was shipped for *England* (the Duke promising the *Rochellers* to come again to their relief) and they met with the Earl of *Holland* as he was setting out of *Plimouth* with the Supply. This Expedition was much censured; some blaming the Duke, 1. For his slowness in marching after the first landing. 2. In not preventing Provisions to be brought into the Citadel. 3. In omitting to take in the little Fort. 4. In retreating before all things were prepared for a secure March. The Duke pleaded he acted for the most part by the Advice of a Council of War; and that if the Earl of *Holland* had come time enough with his Supply, the Harbour to the Citadel had been entirely blocked up. The Earl answered, That when he was ready to go aboard at *Plimouth*, the Ships with Provisions were not come out of *Chatham*, and afterwards it was long before he could get them to a Rendezvous; and when he was ready to set sail, the Winds proved contrary. But some of the Commanders spake loudly of other Miscarriages at *Rhee*, and excused the Council of War. And when this unfortunate Action came to be known, great was the Outcry of the People; it being in every Man's Mouth, That a Parliament must be summon'd, the King's Necessities being so pressing; two potent Kings provoked, our Coasts unguarded, our able Commanders worn away: The Mariners exclaiming for their Pay, the Enemies coming into our Harbours, a vast number of our Ships lost, and no more like to be built; our Mariners absconding, our Enemies growing upon us, and the Nation in Arrearages for freight of Ships, Seamen's Wages, and Materials for Shipping, in the Years 1625, 1626, and 1627, very near the Sum of 200000 l.

*The People
clamour.*

*The ill Circum-
stances of the
Nation.*

The *Rochellers* after the Duke's return, sent their Deputies to the King, giving his Majesty thanks for the Assistance and Comfort they received by the Fleet commanded by the Duke of *Buckingham*, which would have been more useful to them if the

*The Rochellers
apply to the K.
of England for
Relief.*

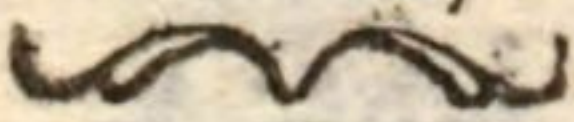
Season

An. 1627. Season of the year had permitted their stay, and they had been supply'd as his Majesty directed; that they understand Application is made to the King of *Denmark* to propound a Peace between *England* and *France*: They desir'd if the Treaty proceeded, his Majesty would insist upon the Capitulation made by his Mediation, and which he passed his Word the Reformed Churches should observe on their part, which they maintain'd inviolably, till there were Forces kept in Forts against them contrary to Capitulation, and more sent down to reduce them, with a Fleet to destroy their Navigation: That the Forces of *France* are coming down upon them to block them up by Land, and intend to make a Barricado cross the Channel, to stop all Provisions by Sea, to their ruin, if his Majesty succour them not: That their Magazines are consumed, and their Monies spent; they pray'd his Majesty to send them a Supply of Provisions fit for a Siege, to succour them once more with his Navy Royal, and to permit a general Collection in *England* and *Scotland* for their Relief.

Sir R. Cotton's
Advice touch-
ing the present
State of Affairs.

In this Juncture Sir Robert Cotton being desir'd to do it, presented his Advice to some of the Lords of the Council to this effect: That as soon as the House of *Austria* had incorporated it self with *Spain*, and gotten the *Indies*, they affected a Fifth Monarchy: The Emperor *Charles* began in *Italy* by surprizing *Rome*, then endeavour'd to reduce High *Germany* to Petty States. In both these Attempts King *H. 8.* prevented him. His Son *Philip* the Second pursued the same in the *Netherlands*; but Queen *Elizabeth* interrupted him by siding with that People, making her self Head of the Protestant League, and drawing to her the Countenance of *France*; *Spain* then endeavour'd to break the Amity of *France* and *England*, but failing therein, raised up a Party in that Kingdom which distressed the *French* King until assisted and relieved by *England*. By all which *Spain* hath learn'd, that 'tis impossible to compass

compass his great Design, while *England* is in his way. This drew on the secret Practices against the Person of the late Queen, and his open Fury in 88. after which she would never admit of a Peace with him. That by the Peace made up by her peaceful Successor they disarm'd us, and by their pretended Marriage gain'd a Power in our Councils, and have set a Division between us and our Confederates: Hereby they have swallow'd up the Fortune of his Majesty's Brother-in-law, distressed the King of *Denmark*, diverted *Sweden's* Assistance, and have now cast a Bone between *France* and us, so that we have no other Assurance left but of the *Netherlands*, where the Tie of mutual Safety is weakned by daily Discontents between us. Thus stand our Affairs abroad, and we are in no better state of Resistance at home: For to withstand an Invasion there must be a proportion of Sea and Land Forces; now no March by Land can be of that speed as to make head against the landing of an Enemy: Therefore the best Prevention is to be Master of the Sea, and that will cost no less than 240000 *l.* For the Land Forces, if it were for an Offensive War, the Men of less livelihood were the best spared, such War being call'd *Purgamenta Rei-publicae*: But for the Safety of a Commonwealth, Men interested in the publick Adventure are fittest to be trusted; as in 88. when the Trained Bands and Auxiliaries made 24000 Men. To make this Preparation two things are requisite, Mony and Affection: As the Lord *Burleigh* told the late Queen, *Win Hearts, and you have Hands and Purse*. In gathering of Mony there are three things requisite, Speed, Assurance and Satisfaction; and it ought to be by the Pathway, *via Regia*; for by untrodden ways it never succeeded well: The last way, tho at first it took no general denial, yet being against Law, it's fear'd if offer'd again, either in that shape or by Privy-Seal, it will be generally refused; nor hath the Restraint of the Refusers produc'd any other effect than a stiff

An. 1627.  stiff Resolution against it; and a Sum granted by Parliament is sooner and easier levied: For the People (whatever necessity may be urged for it) are unlikely to comply with any unusual course of Levy, but by Force, which hath been fatal to the State; whereas that by Parliament depends principally on the King's yielding to the just Desires and Petitions of his Subjects. To effect this speedily and safely by Parliament, the forty Days may by dating the Writs be lessened, so there be a County-day between the Sheriffs receipt of the Writ, and the time of sitting: And if the Sum to be levied be once granted, an Assignment thereof may be made in the Body of the Grant to the Knights of every County respectively, who may give that Security to such as shall for the more Expedition advance present Monies for the publick Service. But if a Parliament be thought fit, the great Consideration will be, how to accommodate the Differences between the King and his Subjects; and for that (he saith) he will freely declare what he hath learned among the better sort of the Multitude. 1. They are jealous of some Practices against their Religion: For tho the *Spanish Match* was broken by the Duke of *Buckingham* out of his care (as he declar'd) of the Reformed Religion, yet the Conditions with *France* (wherein he was a principal Actor) are as hard if not worfe; and his Mother and others about him are that way affected: They talk much too of his advancing Men Popishly affected to Places in the Camp, and of his countenancing Recusants. 2. Another thing is the loss of Men, Munition and Honour in the late Undertakings abroad, which the more Considerate impute to want of Counsel, and the more sublime Wits to Practice: They lay the loss of the *Palatinate* on the stay of the Supply to Sir *Horatio Vere*, which is imputed to *Gondomar*: They say Count *Mansfield's* Enterprize was either by Plot or Error defeated; and Sir *Robert Mansel's* Expedition to *Algiers* was only to guard the *Spanish Coasts*; that many hundred

dred thousand Pounds were spent in the *Cadiz* Voyage, against the Advice in Parliament; that the spending of much Munition, Victuals and Mony in the Lord *Willoughby's* Voyage, was an unthrifty Error. It was a Rule of the old Lord *Burleigh*, that nothing could prevent the *Spanish* Monarchy, but a Fastness between those two Princes who gave Courage to the *Netherlands* and *German* Princes to make head against it: And we see what a defeat hath by this Disunion happen'd to the King of *Denmark*. 3. The vast Waste hath been made of the Crown Lands, make Men jealous that the King intends hereafter to rely upon the Assistances of his People, or that he may be mov'd to an Act of Resumption. 4. But the main matter like to be the Subject of their Debates, is the commanding their Goods without Assent in Parliament, and imprisoning their Persons without special cause declar'd, and this made good by the Judges, with a Writ to command their Attendances in foreign Wars; which Distastes are improv'd by retaining an Inland Army in Winter-season, when the general fear in '88. produc'd none such, which makes the People idly conjecture it was rais'd to make some further Breach upon their Liberty. He wishes the Peoples distaste of the Duke might be remov'd; and that if there be a Parliament, it might be done by his appearing the first Adviser thereof, and of the Graces his Majesty shall be pleased to afford his People: For to satisfy the Peoples Passions with the Sacrifice of any of his Servants, he finds it (as in *Ed. 2. Rich. 2. Hen. 6.*) no less fatal to the Master than to the Ministers in the end.

These and such like Considerations being represented to the King, mov'd him to call a Parliament to meet the 17th of *March* following:

And Warrants were sent from the King and Council into all parts to release the Gentlemen imprison'd or confin'd about the Loan; and as Writs came down, those were chiefly in the Peoples

A Parliament summoned.

The Persons imprisoned or confin'd for the Loan released.

Eye

An. 1627.



Commission for
an Excise.

30000 l. re-
turn'd to raise
Foreign Forces.

Recusants ta-
ken at Cler-
kenwel.

A Letter from
a Jesuit about
the ensuing Par-
liament.

Eye to be elected. The number of the Persons released from Confinement in several Counties was 36, viz. 19 Baronets and Knights, 13 Esquires, and four others; and of those released from the Fleet, Marshalsea, Gatehouse, New Prison, and the Custody of Messengers, was forty, viz. six Baronets and Knights, two Esquires, one and twenty *Londoners*, and eleven others. The Council order'd the Lord Mayor and Aldermen of *London* to use Moderation about the Loan-Mony. Archbishop *Abbot*, the Earl of *Bristol*, and Bishop of *Lincoln*, had their Parliament-Writs sent them; and after the Writs of Summons issued, the King order'd a Commission under the Great Seal for the raising Monies by way of Excise throughout the Nation, and 30000 l. to be paid to *Burlemac* a Dutch Merchant, to be return'd into the Low-Countries to Sir *William Balfour* and *John Dalbier* for raising 1000 German Horse, supposed to be intended to inforce the Excise then on foot. Ship-mony also was under Consideration, but a Parliament being call'd it was laid aside.

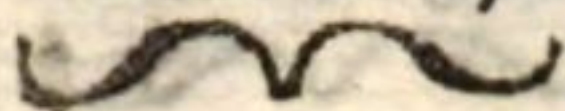
A little before the Parliament assembled, a Society of Recusants was taken at *Clerkenwel* (divers of them Jesuits) in a House design'd for a College of that Order: And among their Papers was found the Copy of a Letter to their Father Rector at *Bruxels* to this effect, That he should not be astonish'd at the unexpected calling of a Parliament, for they had rather furthered than opposed it: The Elections had been so apparently factious, that what they were wont to procure with Art and Industry, now breaks out naturally as a Botch or Boil. *Gondomar* rocked King *James* asleep with the soft sound of Peace, and they were beholden to some Statesmen their Countrymen, for procuring Cessations of Arms in the *Palatinate*, extolling the *Spanish* Nation, and vilifying the *Hollanders*; remonstrating to King *James*, that they were ungrateful to him and Queen *Elizabeth*, more obnoxious than the *Turk*, Infesters of his Subjects in the *East-Indies*, and Usurpers of

of the Regality of the Narrow Seas. *Gondomar* perswaded King *James*, none but the Puritans were averse to the designed Union, and they have steered the same Course, and have strongly fortified their Party: For whereas King *James* was violent against Arminianism, they have now planted that Sovereign Drug Arminianism, and hope it will purge the Protestants from their Heresy. That all the Projectors and Beggars will cooperate to destroy the Parliament: That the Church-Catholics are to work upon the Duke's Jealousy and Revenge; but care must be taken that the Puritans hang not in the Duke's Ears, and negotiate a Reconciliation between him and the Parliament; for he would gladly have reconciled himself to the Parliaments at *Oxford* and *Westminster*. But now they have so handled the Matter, that the Duke and Parliament are irreconcilable: That to prevent the Puritans, the Arminians have locked up the Duke's Ears, and they have those of their own Religion that continually watch him, and who goes in and out to him: That 'tis admirable to see how some of their own Coat act the Puritans, far better than the *Cambridg* Scholars (who abused their Patron *Ignatius*) acted the Jesuits: That their business is to shew how the King may free himself of his Wardship, as *Lewis* the 11th did; and may raise a vast Revenue by Excise, without being beholden to his Subjects; and this must be done by an Army of 2000 *German* Horse (who will spoil the Country wheresoever they come) and 20000 Foot. If in farming the Excise the Country rise, and are subjugated, the Soldiers and Projectors shall be paid out of the Confiscations: If the Country be too hard for the Soldiers, they will mutiny; and either way is equally advantageous to welcome in a Conqueror.

The Parliament being assembled *March* 17. the King spoke to this Effect: That the Times were for Action, wherefore, for Examples sake, he meant not to spend much time in words, but

The King's Speech at the opening of the Parliament.

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expected their Resolutions should be speedy. The end of this Parliament is Supply; but he would use few Persuasions, for if their own Advices, Religion, Laws, Liberties, and the Defence of our Allies be not sufficient, no Eloquence of Men or Angels would prevail. He said, he judged a Parliament the antient, speediest, and best way in time of common Danger to give Supply; and if they would not do their Duties, he must use those other means which God hath put into his hands. He bid them not take this as a Threatning, for he scorned to threaten any but his Equals, but as an Admonition from him who hath most care of their Preservations, and hopes their demeanour will be such as shall oblige him in thankfulness to meet often with them. One thing more he would add, which is, *To remember a thing, to the end we may forget it.* That he shall gladly forget and forgive what is past, so they will leave the former ways of Distractions, and follow the Counsel lately given them, *To maintain the Unity of the Spirit in the Bond of Peace.*

Lord Keeper's
Speech.

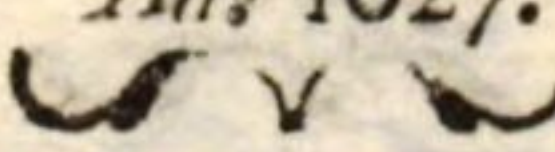
Which the Lord Keeper thus seconded, viz. That the Business they are to consult about is weighty. The Pope and House of *Austria* have long affected, the one a Spiritual, the other a Temporal Monarchy. And the House of *Austria*, to effect their Ends, besides the vast Territories of both the *Indies*, and in *Africa*, are become Masters of *Spain*, *Italy*, and *Germany*. That *France* is swayed by the Popish Faction; and tho by his Majesty's Mediation there were Articles of Agreement between that King and his Subjects, that Treaty hath been broken, and those of the Reform'd Religion will be ruined without present help; and that King hath been misled to desert the Common Cause, and engage himself against our King, thereby promoting the Interest of the House of *Austria*. And all those who formerly interrupted the growing Greatness of that House, are now diverted. The Turk hath made Peace with the Emperor; the *Swede* engaged against *Poland*; the

the King of *Denmark* chased out of his Kingdom, and the House of *Austria* like to command all the Sea-coasts between *Dantzick* and *Embsen*. In the *Baltick* they are arming Ships, are drawing the *Hanse Towns* into their Service, and depriving us of the *Eastland Trade*. By the *Dunkirkers* they infest all our Coasts to the ruin of our Fishing: And a great Fleet is preparing at *St. Andrews*, and another at *Lisbon*; which Preparations are to assault us, either in *England* or *Ireland*. Our Friends of the *Netherlands* fear the whole Force of the Emperor may fall down upon them; are disabled by their Voyages into the *East*, and weakned at home. Thus are we ready on all sides to be swallowed up: And to provide against those great and imminent Dangers, his Majesty hath called them together; and to this end a timely and sufficient Supply of Treasure is necessary, which is as the Sinews of War; and if a Sinew be too short, or too weak, the Part becomes un-
useful.

This he pressed, 1. For his Majesty's use, who requires it: Great is the Duty we owe him by the Laws of God and Nature, by our Allegiance, for his own Merit, and his Father's Memory; and here the War was advised, and Assistance promised: nor hath he spared his Lands, Plate, and Jewels to supply this War.

2. For the Cause sake, our Interest being so much woven and involved with that of our Friends abroad, that the Cause is more ours than theirs; and our Religion, Honour, Commerce and Safety too lie all at stake.

3. In respect of the manner of his Majesty's Demand, which is in Parliament: Where Aids are commonly accompanied with wholesom Laws and gracious Pardons, and just Kings may the better forbear the use of their Prerogatives. This way his Majesty hath chosen, not as the only way; or as destitute of others, but as the fittest: But if deferred, Necessity, and the Sword of the Enemy, would make way to the others. He bid

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them remember his Majesty's Admonition, and that God had hitherto restrained from us that Torrent of War which had overwhelmed other Places, but now threatned us. He exhorted them to avoid Discontents and Divisions, and to attend the *unum necessarium*, the Common Cause; which may infuse into Parliaments a multiplying Faculty, whereby they may be more frequent, and his Majesty would be ready to forget those Distasts that arose in former Parliaments. That their Consultations must be speedy, for the Enemy flys on the Wings of Success: And their Supplys must be timely and sufficient, for they are lost if either too little or too late; and his Majesty is resolved that his Affairs cannot permit him to expect it over long.

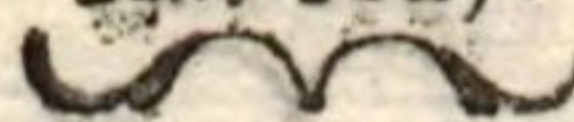
Sir John Finch
 chosen Speaker.

Sir John Finch being chosen Speaker, thus addressed himself to his Majesty: That the Commons had proceeded to the choice of a Speaker: And whether sequestering their better Judgments for his Majesty's more weighty Affairs, or to make it known that their Honour and Wisdom can take neither increase or diminution by the Value or Demerit of any one particular Member, they had fixed their Eyes of Favour upon him. That their knowledg of his unfitness gave him hopes they would have admitted his Excuse; and he gave them what light he could, that of so many hundreds they could have found few or none who could have been of less advantage to them, for he was both *impeditioris Linguae*, and of but little experience in that Assembly: wherefore he beseeched his Majesty to avert so ill an Omen as the choice of him in the beginning of a Parliament, ordain'd (as he hoped) for the Joy of our own, and the Envy of other Nations, and that the House may proceed to some better Choice. But his Excuse not being admitted, the King approved of him.

Speech without
 doors.

Before the Commons entred into any Debates, a Letter was communicated to the Members of the House; It was called *A Speech without doors*, and was

was thus directed, *To my noble Friends of the Lower House of Parliament*, being to this effect: That altho his Country had not held him worthy to serve in this Parliament as he had in many others, yet he would shew his Thankfulness to her, and communicate what he had observed in that grave and wise Assembly: That there is great cause to look into the late Elections, Corporations being grown so base and timorous, that they will not hazard the Indignation of a Lord-Lieutenant, who under-hand threatens them with a Musket or a Horse at the Muster, if he hath not the Election of their Burgeses; who are commonly such as desire it for Protection, or are so ignorant of the Place they serve for, as it being occasionally named, they have asked their Neighbours sitting by, whether it were a Sea or a Land Town? Freedom of Speech hath been antient by the Testimony of *Philip Commynes*, who in that respect prefers our Parliaments before other Assemblies; and if it should be prohibited there, when the Peoples Grievances are to be opened, a Parliament would have no more Privilege than a Quarter Sessions. And what Remedy could the Subject have without it against the abuses of those in Authority, and such Servants, where the Affections of Princes so far transport them, as to make them the only Persons to whom they give Trust and Credit? For in that Case, what Subject dares complain, or question the Actions of such a Servant, unless warranted by this freedom in Parliament? The surest way is, to examine the Grievances of the Kingdom, without touching upon the Person of any Man further than there is just occasion; for otherwise they shall contest with him who hath the Prince's Ears open, and will impute their Enmity to him, to their contempt of the King, and their seeking to lessen his Authority. And no Prince can be so affectionate to a Servant, or such an Enemy to himself, as not to admit of this indifferent Proceeding. One of Quality in the Expedition to the Isle of *Rhee*, endeavour'd

An. 1627.  deavour'd to conceal the number of Men lost there, and confidently affirmed they were but three or four hundred Men. But a Doctor of Physick, out of Conscience and Duty, acquainted his Majesty with the Truth, that there were two thousand lost; which was so contrary to the Informer and his Designs, that the Physician was banished the King's Presence, and so continues. Which of these Reports was true, may be easily determined by the Clerks of the Bands of each Company, and is worth the discovery; for by this small Instance his Majesty may see how he is abused: And they that stick not thus to wrong a King, may as well cast Aspersions upon a Parliament. And for these Misreports, there is no Remedy but freedom of Speech in Parliament; for while Subjects Tongues are tied for fear they should touch him whose Conscience cries Guilty, the King and People are kept from a right understanding, and all for one who is like the Dragon that bites the Ear of the Elephant, because he knoweth the Elephant cannot reach him with his Trunk. For Grievances, they are some general, some particular; the general Grievances are so many as will serve for every Member to present, two apiece, to the view of the House: And tho he be no Member, yet in regard he hath been one, he will present his two. 1. Titles of Honour, both in respect of the Parties themselves, their Estates and Parentage, and of the manner of attaining thereunto, which is mercenary, base, and corrupt. *Plutarch* taught, that Men should labour to deserve Honour, but avoid the getting of it basely; for it is much more honour to deserve and not to have it, than to have it and not deserve it. Honour gotten by Favour, is but blind Fortune, an Ounce of which at Court is better than a Pound of Wisdom: And that which is compassed by Power, is plain Force. Examine the Condition of Men raised to Honour within these five and twenty Years, and whether it be Desert, Favour, or Power, that hath preferred them;

them; how many hungry Courtiers have been raised to the highest pitch of Honour. Enquire into their Princelike Expences in these 25 Years, their Estates at present, and what will maintain them and their Posterity in their Honours: And it will be found how the Annual Revenues of the Crown have been consumed upon those unworthy Persons. Such Advancements bring with them a contempt of Greatness, and an Emulation in Gentlemen, whose Families, Estates, and Deserts, may better challenge it. When *Philip* the Second of *Spain* entred with his Sword in Hand upon his Kingdom of *Portugal*, the *Portuguese* besought him to grant them some few Privileges, one whereof was, That he would make no unworthy Persons Noble, or without their Approbation: Which was granted them, and he keeps that Kingdom in its antient State, viz. Two Dukes, one Marquess, and eighteen Earls. 2. The other Grievance he recommended to their view was, that of our Wars, the excessive Charges vainly spent, the Unworthiness of the People employed, the neglect of experienced Persons, the Designs not warranted by Reason or Discretion, and the Execution worse performed: For there are Abusers of Princes, who perswade them to War when they might live in Peace. He said, The Parliament (of which he was a Member) had an Aspersion cast upon it, *That they drew his Majesty into a War, and then failed to contribute to it.* That in the Parliament at *Oxford* Mony being required of them towards furnishing out the Fleet, it was for several Reasons unanimously refused. Whereupon there was an Offer made by him, that, next to the King, seemed to have best Authority; That if they would contribute but 40000 *l.* they should chuse their Enemy: whereby it appears that before that Proposition there was no Enemy, and therefore no War. And the Parliament instantly breaking up, without any Enemy named, or Mony consented to; How can the Parliament be taxed for Peace-breakers?

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In October following the Fleet failed to *Cadiz*. Another Voyage followed the next Summer under the Earl of *Lindsey*. The last and most lamentable was that of the *Isle of Rhee*: He wished these Voyages, with that to *Algiers*, might be referred to the examination of experienced Officers by Land and Sea; and that after it had passed the Parliament's Approbation, it might be imparted to his Majesty, who will then see the difference between Actions well managed, and rash and heady Enterprizes; for the Probability of a Business is to be considered, as well as the Necessity, Profit and Honour of it. He said, It was observable that in the Voyage of *Cadiz*, a Land-Soldier commanded at Sea, who knew not what belonged thereunto: And in that of *Rhee*, one commanded who was neither Soldier by Land nor Sea; and the Success proved accordingly in both, and yet neither questioned, but both highly advanced.

The Evils that followed upon these two Voyages, have been the Billeting of Soldiers in the Country, and bringing our Ships into Harbour, while the Pay of the one, and Wages of the other run on, and yet our Ships and Coasts so infested, that we dare not peep out of Harbor. But as for an Invasion there can be no great fear of it, when our Ships are divided into so many Harbors, and our Soldiers in such a readiness: Besides, the Season of the Year is too late. Here's a Mass of Wealth consumed, and none the better for it but Soldiers, while the Poor are robbed and spoiled by these Fellows, and the Rich forced to stand upon their Guard, lest their Houses should be surprized and rifled. The first diminution of the Greatness of the *Roman* Empire, was by the Insolency of Soldiers: And the first raising of the House of *Ottoman*, was by his Connivance at his Army. Who ever saw or thought to have seen *Scots* and *Irish* garison'd in *England*, and no Enemy appear? Or our own People tyrannized over in our own Kingdom, and

not

not dare to complain? Would our Forefathers have thought it Policy to draw two thousand Scots and Irish into the *Isle of Wight* for their defence against *France*? Or that two thousand Mouths besides the Inhabitants should live on the Food of that Island to bring them into want of Victuals, in case they should be attempted in earnest; and in the mean time to suffer all Injuries from the hands of Strangers? They would have thought it fitter to have sent the *English* Soldiers to the place where they were pressed, till there were further occasion for them: To have supplied the *Isle of Wight* with two thousand Men from the main Land; when they thought it in any danger, rather than to have sent for them out of *Scotland*, and keep them in continual pay; and to have returned the barbarous *Irish* into their own Country, rather than to make them a Vexation to the Places where they are, and to have continued this needless and expensive Course, wherein two or 300000*l.* have been wastefully spent; for *England* wants no Men, but can suddenly raise what Men his Majesty pleaseth, and can discharge them again without trouble or charge; and yet all the Song now is, To raise Money, and exact it of the Subject. But he that complains of the evil Management, is either imprisoned, banished the Court, or censured for a Discontent. He said, one of the first Proposals to the House would be for Money to support his Majesty's vast Expence at this time, when the Enemy threatens the Kingdom; and their often Alarms may now make them too secure, for in the last Parliament Books were published of invincible Preparations, and nothing came of it; and yet they may be deceived by that old Saying, *That a Liar is not to be trusted when he speaks Truth.* That they must give for their own Sakes, their Sovereign's Sake, and their Country's Sake; but then they ought to declare the condition of the Kingdom, and that they are not of Ability to give as they would. As when

Themi

An. 1627. *Themistocles* demanded Tribute of the *Athenians*, and told them he brought two Gods with him, Persuasion and Violence: They answered him, They had two other Gods in their Country, Poverty and Impossibility. And at this time his Advice is, *That they present to his Majesty their willing Hearts and Minds to repair and put to Sea his Navy, but they to have the Power of making them able and serviceable, by the Advice of experienced Men that they may call unto them.* This is a Matter of great Importance, for the Safety of the Kingdom depends upon this Bulwark; hereby that Matter may be managed without any trouble to his Majesty, who may dispose of the rest of his Revenue at his pleasure: And it will then appear that they are not against giving, but against the misemployment of it when given. And if any shall inform his Majesty, 'Tis a derogation from his Honour to yield to his Subjects upon Conditions: How can it lessen the Reputation of a Prince, to follow the Advice of his Highest Counsellor? What Dishonour rather were it to be ruled by one Counsellor alone, to whom the whole Commonwealth hath taken just exception?

Grand Committee settled. 20 *Martii*. The Commons settled their Grand Committees, and the Lords and they agreed upon a Petition for a Fast, for removing the Calamities of us and our Neighbour Churches, for averting those which are threatned, for continuing the Favours yet enjoyed, and for a Blessing upon his Majesty and the present Parliament.

Debates touching Grievances. 22 *Martii*. Grievances were opened, as Billeting of Soldiers, Loans, Benevolences, and Privy Seals; Imprisonment of Gentlemen refusing to lend, and remanding them upon their *Habeas Corpus*.

Sir Francis Seymour.

Sir Francis Seymour began the Debate: He said, They were the great Council of the Kingdom, and were to advise the King without flattery: Not like *Cambyse's* Judges, who being demanded by him whether he might not do what was in it self unlawful; an

answer'd, That the *Persian* Kings might do what they list'd. And as without Flattery, so without Fear; for while they retain their Fears, they are not at liberty to shew their Affections: And how can they think of giving him Subsidies, till they know whether they have any thing to give or no? For if the King can take what he pleases, what remains for the Subject to give? As 'tis ill for Subjects to give Laws to their Princes, so it is ill for Princes to use Force with the Laws: This hath been done by billeting of Soldiers, by the last Levy of Mony against an Act of Parliament, and by the Imprisonment of divers Gentlemen for the Loan; and to countenance these Proceedings, it hath been preach'd that all we have is the King's *Jure Divino*: But the King hath wanted faithful Counsel, as is clear by the Management of his Affairs with *France* and *Spain*. He said, Where the Subjects had had their Goods taken from them against their Will, and their Liberty against the Laws of the Land, it would be no want of Duty for them to stand upon their Privileges; but it would be a wrong to themselves and their Posterity to forgo that which belongs to them; by the Laws of God, and of the Land; and he mov'd that these things might be represented to his Majesty.

Sir Thomas Wentworth said, This Debate carries a double Aspect, towards the Sovereign and the Subject; tho both are innocent, both are injur'd. These illegal ways of raising of Loans, strengthened by Commission, with unheard of Instructions and Oaths, and the billeting of Soldiers, look as if they would perswade the World that the Right of Empire was to take away by a strong hand. This hath not been done by the King, but by the Projectors, who have extended his Prerogative beyond the just Symmetry; and yet have brought the Crown into greater want than ever by anticipating the Revenue: They have introduced a Privy-Council, ravishing at once the Spheres of all antient Government: That by one
and

Sir Thomas
Wentworth.

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and the same thing the King and People have been hurt, and by the same they must be cur'd; by vindicating those antient Liberties that have been infringed. He mov'd that these four things may be resolv'd: 1. Freedom from Imprisonment. 2. From Imployment abroad. 3. That no Levies be made but by Parliament. 4. No billeting of Soldiers.

Sir Benjamin
Rudyard.

Sir Benjamin Rudyard, as a Moderator, said, This was the Crisis of Parliaments; and it will be known by this, whether Parliaments must live or die: That they were not now on the *bene esse*, but on the *esse*. They had provok'd two potent Kings, united them, and betray'd themselves. If the King draws one way, the Parliament another, they must all sink. He desir'd the House would avoid all Contests, and give the King leave to come off, for he believ'd he expected but the occasion: He mov'd they would trust him by giving him a large Supply according to his Wants, and prostrate their Grievances at his Feet, and to get the King on their side, which would be no hard matter.

Sir Edward
Cook.

Sir Edw. Cook said he was for Supply, but with some caution: He fear'd not foreign Enemies, but wished Peace at home; that he would not fly at all Grievances, but only at Loans: For who will give Subsidies, if the King may after Parliament impose as much more as he pleaseth? By the 25 E. 3. Loans against the Will of the Subject are against Reason and the Franchises of the Land, and they desire Restitution: *Franchise* is the same with *Libertas*: The Lord may tax his Villain, but Freemen cannot be taxed unless by their Consent in Parliament: He urged *Magna Charta*, which hath been confirmed above thirty times; *Nullus liber homo, &c.*

Mr. Secretary
Cook.

Sir John Cook Secretary of State was for redress of Grievances, so Supplies had the Precedency: He said, he would not answer what had been spoken, for his desire was not to provoke, but to appease: He confessed, illegal Courses had been taken,

taken, but Necessity hath no Law: He would have them prepare their Grievances; but to offer them first would seem a making Conditions with his Majesty, who is a wise King, and jealous of his Honour; if they once agreed to supply him, it would amaze the Enemy more than ten Subsidies: He mov'd therefore, that they would begin with the King, and not with themselves.

That day's Debate made him call to mind the *Sir Rob. Phi-*
solemn Feast the *Romans* had once a year for their lips.

Slaves, who had then liberty to speak what they would; which finished, they return'd to their former Servitude. This hath some resemblance with their present State, where now after many violent Oppressions they had a day of liberty of Speech; yet hop'd to return Freemen not Slaves: That he was glad to see such a general sense of Grievances, that Injuries are not so to be forgotten as not to remedy them. It was said, they must so govern themselves as if this Parliament was to be the last: But he hoped there would be no cause for the King to except against them. 'Tis true, they had provok'd two mighty Kings, but he fear'd more the Violation of publick Rights at home. That the Violences they had suffer'd trenched into all they had, and one more Grievance may be added: Their Religion was made vendible by Commissions. A Toleration was granted (little less) and Papists for pecuniary annual Rates may commit Idolatry, and scoff at Parliaments and Laws. That the People of this State are under no other Subjection, than what they voluntarily consented to by the original Contract between the King and People: And as the King hath many Prerogatives, so the Subject hath many Liberties, notwithstanding what those two Sycophants had prated in the Pulpit. And no King of *England* ever directly violated Liberty and Property, but it was complain'd of in Parliament, and redressed, as the Commission to raise Money in 21 E. 3. Loan and Benevolence damned by the Statute of R. 3. That the Lieutenancy in
the

*Sibthorp and
Manwaring.*

An. 1627.
 * Somerset-
 shire.

† Scots.

the * County for which he serv'd, tell the People they must pay so much upon a Warrant from a Deputy Lieutenant, or be bound to the good Behaviour, and sent up to the Lords of the Council. There is now a *Decemviri* in every County, and among them some *Claudius Appius* that seeks his own Revenge: That now Deputy-Lieutenants send their Warrants to imprison our Persons at pleasure; and we are almost grown like the *Turks*, who send a Janizary to place his Halbert at the Door, and then he is Master of the House. That Soldiers were billeted, and Warrants issued to collect Mony, which if not collected, the Soldiers come and rifle. In *Spain* the *Romans* found no greater Complaint, than that Soldiers were placed among them. *Fortescue* saith, none are forced to take them but Inns, and they to be paid by them. There have been three Judgments of late, all exceeding one another in Prejudice of the Subjects: The first the Case of the † *Postnati*, but that he only mentions, not complains of: Another in the Exchequer about Impositions, twice damned by this House: The last was the fatal Judgment *Mich. 3 Car.* in Sir *John Heveningham's* Case argued at the Bar, and Judgment pronounced but by one alone. I can live, tho another be put to live with me, tho I pay Excise and Impositions; but to have my Liberty taken from me, to be pent up in a Goal, and perish there without remedy: O improvident Ancestors, that were so curious in providing for the quiet Possession of our Lands, and neglected our Bodies! If this be Law, what do we talk of Liberty and Property? He said, they could not help his Majesty without opening their Grievances: That they should therefore do their Duties therein, and prepare their Grievances fit for his Majesty's view, that they may have a Law declaratory of their Liberties, with Penalties on those that violate them, and then they should think of such a Supply as never Prince receiv'd; and may leave their Posterity as free as their Ancestors left them.

This

This and the next two days were spent in opening Grievances from all parts of the Kingdom.

3 Car.

March 24. Secretary Cook renew'd the Motion for Supply: He said they all thought fit that Supply and Grievances go hand in hand together; but he moved that the King might have the Precedency of Honour, and that the Heads of his Supply be first propounded, and the King would agree with them in other Requests that are fit for a King to grant: For as no King is more ready to hear the Complaints of his Subjects, so no King is more sensible of what touches his Honour. It was the Speech of an antient Parliament-man: Let us deal gently with our King; none that dies but leaves his Heir to the Favour of the King, none that lives but needs his Favour: Let us be at Unity with him; His Majesty desires and expects it; and none desires the Redress of Grievances more than himself, and those whom they think most averse to it. The first that sow'd Divisions among us was an Agent of Spain, Gondomar. And since that the French Ambassador told his Master what Divisions he had wrought here between the King and his People: And while they sit in Parliament, there was another intended Parliament of Jesuits, and their Well-willers, within a Mile of them. He again desir'd that, to avoid any occasion of Breach, they would give Precedency to his Majesty, and it would be an Obligation which his Majesty would not forget. Then he mov'd that the same Committee might receive general Heads for Supply; and afterwards go on to the Grievances. But others preferr'd the Consideration of Grievances, that it might first appear they had a right to give, and then they would give all the Supply they could.

Secretary
Cook moves
for Supply.

In Clerken-
well.

Next day Secretary Cook tended Propositions from the King touching Supply; and said his Majesty esteem'd their Grievances as his own, and stood not upon Precedence in point of Honour, and mov'd the same Committee might take both

Propositions
touching Sup-
ply.

An. 1627. both into their Consideration. Hereupon the House turn'd into a Committee (*Edward Littleton* Esq; in the Chair) to consider of the Liberty of the Subject in his Person and Goods, and also of Grievances as the Supply; and the Grievances as to our Persons to our Persons. were reduc'd to six Heads. 1. Attendance at the Council. 2. Imprisonment. 3. Confinement. 4. Foreign Imployment. 5. Martial Law. 6. Undue Proceedings in Judicature. And as to the Liberty of the Person, the particular Instance was the case of Sir *John Heveningham* and others imprisoned about Loan-Mony, who upon their *Habeas Corpus* had their Case argued, were remanded, and a Judgment (as was then said) was enter'd. Whereupon *Mr. Creswell* of *Lincolns-Inn* spake to this effect.

Mr. Creswell.

That Justice is the Life and Heart-blood, the Pillar, Crown and Glory of the Commonwealth; and the Laws the *ne plus ultra*, which the King must not pass. He compar'd them to *Nebuchadnezzar's* Tree, so great that it shades as well the Beggar's Cottage, as the Prince's Palace: And if any of the Branches have been bruised, yet let us not neglect the Root of this great Tree; not that he would lift up his Arm to touch that forbidden Fruit, the Flowers of the Crown: But yet there are some Flowers (among which this *bona Libertas* is the chief) that every common Hand may gather, and take Comfort in. He said, he conceiv'd that the imprisoning and confining of the Subject without Declaration of the Cause, is against the Fundamental Laws and Liberties of this Kingdom, and gave these Reasons. 1. From the great care the Law takes of the Liberty of the Subject: For at Common Law none were to be arrested or imprisoned, but for Force and breach of the Peace, until the Statute of *Marlebridge*, cap. 24. made 35 *H. 3.* (the eighth King from the Conquest) enacted of Bailiffs who would not render their Accompts to their Lords, that their Bodies should be attach'd: And after by the Statute of 23 *E. 3.* 17. (the eleventh King from the

the Conquest) the Bodies of Debtors were likewise to be attach'd. 2. *A minore ad majus*. The King hath no absolute Power over our Lands or Goods; *à fortiori*, not over our Persons, which are much more worth than either Lands or Goods. 'Tis true, the Service of the Subject's Person is due to the Sovereign, but that must be in such things as are not against the Law of Nature: But Imprisonment without a Cause declar'd is against the Law of Nature. 3. *Ab inutili & incommodo*: The Statute *de Frangentibus Prisonam*, 1 E. 2. saith, That none should undergo Judgment of Life or Member for breaking Prison, unless the Cause for which he was imprisoned require such Judgment. Whence it follows, that if a Man be committed to Prison without declaring the Cause, yet if he break Prison, tho he had committed Treason, neither he nor the Goaler can suffer any corporal Punishment. 4. *A Regis Honore*: For the King can do nothing which he cannot do justly: And Sir John Markham told K. R. 4. that he could not arrest a Man either for Treason or Felony; because if the King did Wrong, the Party could not have his Action: And if the King cannot imprison by Writ under the Great Seal, much less by Warrant, without shewing the Cause. He concluded with that in Sir John Davis his Report of the Case of Tavistry Customs, that the Kings of England have a Monarchy Royal, where the Subjects have a Property in their Goods and Lands; and not a Monarchy Seignoral, where they are Villains and Slaves. And where a Monarch makes a new Conquest, if he receive any of the antient Inhabitants into his Protection, they and their Heirs shall enjoy their Lands and Liberties, as it was adjudged before William the Conqueror, in the Case of one Sherborne a Saxon, whose Heir was restor'd to the Lands of his Ancestor, tho given away to Warren a Norman.

Upon this and other Arguments a Committee was appointed to examine the Proceedings in the Case of the *Habeas Corpus*; and Mr. Selden reported

An. 1627. ported to the House, that Mr. *Waterhouse*, a Clerk in the Crown-Office, confessed, that by Direction of Sir *Robert Heath*, Attorney-General, he writ a Draught of a Judgment in that Case, and deliver'd it to him. And Mr. *Keeling* confess'd that the Attorney-General wished him to make a special Entry upon the *Habeas Corpus*: But he telling him he knew of none but a *remittitur*; Mr. Attorney made a Draught, but the Judges would not assent to it.

Sir Rob. Philips.

This intended Judgment was drawn by some Man, who design'd to strike at all our Liberties: He mov'd this Judgment may be further searched into, and it may be known what the Judges say concerning it.

Sir Edw. Cook.

The Draught of this Judgment will sting us; for what is this but to declare upon Record, that any Subject may be detain'd in Prison for ever, and utterly to subvert our Rights and Liberties?

The Judges of the King's Bench justify the Proceedings upon the Habeas Corpus.
Judg Whitlock.

Upon the Desire of the Commons, the Judges of the King's Bench declar'd themselves in this matter.

We are here ready to clear any Aspersions of the House of Commons, that the Subject was wounded in the Judgment lately given in the King's Bench: If it were so, their Lordships and not they had the Power to question it. But there was no Judgment given whereby the Prerogative might be enlarged, or the Subjects Right trench'd upon. The Return was *per speciale mandatum Domini Regis*, signified under the Hands of eighteen Privy-Counsellors: Now had we (said he) deliver'd them presently, it must have been because the King did not shew Cause whereby we had judged the King had done Wrong. He said, they remitted them, the better to advise of the matter, and not to keep them in Prison all their days: And in *Dyer*, 2 *Eliz.* divers Gentlemen being committed, some were bail'd, others remitted, whereby it appears much is left to the Judges Discretion. That he can find no difference between a *remittitur* and a *remittitur quousque*:

quousque: That every Judgment must be upon an Issue in matter of Fact, or a Demurrer; but here was neither, therefore no Judgment. It's true, Mr. Attorney pressed to have a Judgment enter'd; but they commanded the Clerk to make no Entry but according to the old form: That he never knew a Man bail'd upon such a Return as this, the King not first consulted with; and the Commons do not know what Letters and Commands they receive.

Judg *Dodderidge* said, That upon hearing the Counsel of those four Gentlemen, they had consider'd the old Statutes and Records, and found some of them according to the good old Law of *Magna Charta*; but others of them did not come so close to this Case, as that Bail should be presently taken: upon this Return there must be either a *remittitur*, or a *traditur in Ballium*. In this case a *remittitur* was granted, that they might take better Advisement thereupon. And when Mr. Attorney pressed for an Entry, they charged the Clerk to make no other than what was usual: And he knew no difference between *Remittitur* and *Remittitur quousque*.

The Lord Chief Justice *Hide* and Justice *Jones* spake to the same purpose.

The House resumed the Debate concerning the Liberty of the Subject.

The late Judgment was in truth only an Award, and no Judgment; and in the Lord Chief Justice his Argument there was no word spoken that the King might commit or detain without cause: For the King to commit a Man is *Indignum Regi*. Mercy and Honour flow immediately from the King, but Judgment and Justice from his Ministers: Nor hath the King Power of detaining in Prison at his pleasure: Antiently Prisons were *non ad Poenam, sed ad Custodiam*.

Mr. *Selden* produced the Statutes, Precedents, and Book-Cases, which were express in the Point, and the Case in the Lord Chief *Anderson's* Book was openly read: And for the Precedents cited by

Judg *Dodderidge*.

L. C. J. Hide, and J. Jones. Debate about the Habeas Corpus resumed. Mr. Hackwel.

Mr. Selden,

An. 1627. the King's Council 34 *Eliz.* as the Opinion of all the Judges, which passed as current in the last Case of the *Habeas Corpus*; there was a great mistake in it, which appears by the Lord *Anderson's* Report, all written with his own Hand, and to the effect following.

Judg Anderson's Reports.

Divers were committed to several Prisons at Pleasure without good cause, some of whom were discharg'd by the King's Bench, others by the Common Pleas: And the Judges being forbidden to do so for the future, the Justices of both Benches, and Barons of the Exchequer agreed upon certain Articles, which they subscribed and deliver'd to the Lord Chancellor, and Lord Treasurer to the effect following.

They desir'd some course may be taken to prevent the committing and detaining in Prison the Subjects, by the Commandment of any Nobleman or Counsellor, against the Laws of the Realm: For divers have been imprison'd for suing ordinary Actions at Law, and constrain'd to put the same to order, tho Judgment and Execution have been had thereupon; and upon Writs directed to such as had them in Custody, no good cause of Imprisonment having been return'd, they have been discharged; some of whom have been committed again in secret places, and not to any common Prison, or any Sheriff, or lawful Officer, to whom for their delivery Writs may be directed. Several Officers and Serjeants of *London* have been committed for executing her Majesty's Writs out of the Courts at *Westminster*; others have been sent for to *London* by Pursevents, and constrained to withdraw their lawful Suits, and to pay the Pursevents great Sums of Mony. And whereas divers of them (the Judges) have been requir'd to set down in what Cases a Person imprisoned by her Majesty, or her Council, are not to be delivered by her Majesty's Courts or Judges: They think that in those cases, or in case any one or two of the Council commit for High-Treason, such ought not to be delivered by her Ma;

Majesty's Courts without Trial and Judgment of Acquittal; nevertheless the Judges may award the Queen's Writ to bring the Prisoners before them: and if the Cause of their Commitment be duly returned, then the Judges in the Cases before, ought to remand them; which cannot conveniently be done, unless notice of the Cause in general, or in special, be given to the Keeper or Goaler.

After reading this Report, Sir Edward Cook said, That to his knowledg this Book was all written with the Lord Anderson's own hand. The Question is, Whether a Freeman can be imprisoned by the King, without setting down the Cause of it? If he may, it follows, I shall have an Estate of Inheritance, or for Life, or Years, in my Lands, or Property in my Goods; and I shall be a Tenant at Will for my Liberty. It's too low for so great a Monarch as the King is, to commit Men to Prison; and it is against Law, that Men should be committed and no Cause shewed.

Resolved upon the Question, *Nemine contradicente;*

1. That no Freeman ought to be detained, or kept in Prison, or otherwise restrained by the Command of the King, or the Privy Council, or any other, unless some Cause of the Commitment, Detainer or Restraint be expressed, for which by Law he ought to be committed, detained or restrained.

2. That the Writ of Habeas Corpus may not be denied, but ought to be granted to every Man that is committed, or detained in Prison, or otherwise restrained, tho it be by the command of the King, the Privy Council, or any other, he praying the same.

3. That if a Freeman be committed or detained in Prison, or otherwise restrained by the Command of the King, the Privy Council, or any other, no Cause of such Commitment, Detainer, or Restraint being expressed, for which he ought by Law to be committed, detained, or restrained; and the same be returned upon a Habeas Corpus granted for the said Party, then he ought to be delivered or bailed.

An. 1628. then taking into their consideration the Subject's Property in his Goods; *It was resolved, Nemi-ne contradicente,*

4. *That it is the antient and indubitable Right of every Freeman, That he hath a full and absolute Property in his Goods and Estate; That no Tax, Tallage, Loan, Benevolence, or other-like Charge, ought to be commanded or levied by the King, or any of his Ministers, without Common Consent by Act of Parliament.*

The King's Propositions touching Supplies.

March 26. The Propositions from his Majesty by Secretary Cook, were received and read, being fourteen in number, *viz.* To set out thirty Ships for guarding the Seas, ten for *Rochel*, and ten for the *Elbe*: To arm and pay 17000 Horse and Foot for Foreign Service: To supply and repair the Forts; to supply the Stores of the Navy; to build twenty Ships yearly; to pay the Arrears of the Office of Ordnance, Victualing Office, and Treasure of the Navy, and the Freight of Merchants Ships in Service; and to provide a Magazine of Victuals.

A Conference managed by Secretary Cook against Recusants.

The Commons had a Conference with the Lords about the Petition against Recusants, and Secretary Cook managed it. He acknowledged all due Honour to their Lordships, for their forwardness in the encouragement and maintenance of true Religion, when that viperous Generation, as their Lordships justly termed them, vaunt at home and abroad, that they doubt not to prevail. He said, They had established a Hierarchy among themselves, and had a Bishop consecrated by the Pope; and he had his Subalternate Officers, who exercise Jurisdiction, determine Ecclesiastical Causes, and hold Intelligence with *Rome, Brussels,* and *France*. The Regulars too have planted their Societies and Colleges, and intended to have held a concurrent Assembly with this Parliament; but that Nest of Wasps is digged out of the Earth, and their Convocation scattered. He acquainted them, That the Commons approved of every word of the Petition, wherein their Lordships desired their

their Concurrence; only they presented them with a few Additions, which might make it more agreeable to the Statutes, and to a former Petition granted by his Majesty. But these things they only recommended to their Lordships, being ready to join with them in the Petition as now it is.

March 31. The aforesaid Petition was presented to his Majesty, which the Lord Keeper told him was to quicken the Laws against the Disturbers of the Peace of all States. That they had not forgotten his Gracious Answer to a like Petition: But Weeds are not destroyed at one weeding; and these are Weeds of so spreading a nature, that God's Vineyard is not yet cleansed: And God himself requires that we pray often to him for what he means and promiseth to bestow upon us. Then the Lord Keeper read the Petition, and the King spoke to this effect:

Lord Keeper's Speech.

That he very well approved the Method of their Proceedings, *A Jove Principium*: That he liked the Lord Keeper's Preamble, otherwise he should have suspected they had thought him not so careful of Religion as he had been, and ever should be. For the Petition he liked it well, and to the Particulars they should receive a more full Answer hereafter. But as we pray to God to help us, so we must help our selves; for if they did not make speedy Provision, not a Ship would be put to Sea this Year.

The King's Speech,

Afterwards the King gave a particular Answer to the Petition against Recusants, which was read in both Houses; and both Petition and Answer were to this effect:

And Answer to the Petition against Recusants.

They thanked his Majesty for his Assent to a Publick Fast: And because our Sins are the Causes of those Evils that are fallen upon us, amongst which Idolatry and Superstition are the most heinous; they pray,

That the Laws against Jesuits, Seminary Priests, and all in Popish Orders, may be more duly executed: Especially that such of them as have returned after their Banishment, may be left to the

Article 1.

An. 1628.

The King's
Answer.

Article 2.

Answer.

Article 3.

Answer.

Article 4.

utmost severity of the Law, without admitting any Mediation or Intercession for them. And that such who receive, harbour, or conceal any of that viperous Generation, may suffer the Penalties imposed on them by Law.

His Majesty will give strict Order for the apprehending Jesuits, Seminary Priests, and all in Popish Orders, and leave them to their Trial. And if there be cause to respite Execution, they shall be committed (according to the Example of the best Times) to the Castle of Wisbich; and the Receivers and Abettors shall be left to the Law.

That a strict Watch be kept over the Ports and Havens; and the searching of Ships for the apprehension of Jesuits and Seminary Priests brought in, and of Children and young Students sent beyond the Seas, may be committed to Men of Fidelity and Religion, and the Laws may be executed against the Connivers or Combiners.

His Majesty will order the Lord Treasurer, Admiral and Warden of the Cinque Ports, to see this Article fully executed. And he requires them, and other his Officers, to have a vigilant eye on such as dwell in Places of Advantage for receiving or transporting any such Persons: And will take it for good Service, if notice be given of any as have, or shall so connive or combine.

That the Laws prohibiting Popish Recusants to come to the Court, or within ten Miles of London, and confining them to five Miles distance from their Dwelling-houses, may be put in execution; and Licences not warranted by Law for their repair to London may be vacated.

Granted.

That whereas infinite Sums have within two or three Years last past been extracted out of Recusants, by colour of Composition, and but a small Proportion brought to his Majesty's Coffers, which hath amounted to little less than a concealed Toleration: His Majesty would dissolve this Mystery of Iniquity, patched up of colourable Leases,

Leases, Contracts, and Preconveyances, being but Masks to defraud his Majesty, and for private Men to attain their corrupt Ends.

His Majesty is willing to punish such Deceits and Abuses, and will account it good Service in any that will inform thereof: And commands such to whom such Information shall be brought, to bring the Offenders to punishment. And that no concealed Toleration may be effected, he leaves the Laws to their course. Answer.

That either the Concourse of Recusants to the Houses of Foreign Ambassadors to hear Mass, and participate in the Rites of that Superstition, may be prevented, or a vigilant watch set upon them that they may be apprehended at their return, and severely prosecuted. Article 5.

Granted.

That no Place of Authority or Command, or any of his Majesty's Ships, be committed to Popish Recusants or Noncommunicants, or any justly suspected.

Answer.

Article 6.

His Majesty will give charge to the Lord Keeper to call the Judges to him, and take Information, if any such be in the Commission of Peace, that due Reformation may be made: And will order the Lord Admiral, and others to whom it appertains, to inquire and certify if any such be in command in his Ships. Answer.

That all Judges and Justices may, by Proclamation, be commanded to put the Laws against Jesuits, Seminary Priests, and Popish Recusants, in speedy execution; and the Judges at their return from their Circuits to give an account of their Proceedings to the Lord Keeper, to be presented to his Majesty. Article 7.

Granted.

Answer.

Article 8.

That until a Law may be made for educating the Children of Popish Recusants in the Grounds and Principles of Religion, which will be of more Power and Force than all Pecuniary Mulcts and Penalties, his Majesty would be pleased to take it into his own Care and Consideration.

His

An. 1628.

Answer.

Debates touch-
ing the King's
Propositions.
Sir Fr. Seymour.

His Majesty approves thereof, and recommends to both Houses the preparation of such a Law. And declares, that his Mildness towards those of the Popish Religion, hath been in hopes that Foreign Princes would have used the like Moderation: But not finding it, he is resolved to add some further Severity to what is desired.

April 2. The Propositions for a Supply were under debate.

Not want of Supply, but that the King was brought into these Necessities, is the Grievance, especially after two Subsidies, six Privy Seals, and the Loan, whereby five Subsidies were forcibly taken, and we had yet purchased nothing but Dishonour: And unless his Majesty imploy Persons of Integrity and Experience, all will be cast into a bottomless Bag.

Sir Nath. Rich.

As to an Army to be transported, we are not fit for that yet. As for the defence of our Coasts, nothing can be more necessary: But the Bill of Poundage is for that particular Supply.

Secretary
Cook.

The guarding of the Seas, and the Ships for *Rochel* and the *Elbe*, cannot be omitted: And those draw on the rest, for Ships must have Men and Munition.

Sir Joh. Elliot.

After the late Disasters at *Cadiz* and *Rhee*, I tremble to think of sending any more abroad. At *Cadiz* we found a Conquest ready, the Spanish Ships: Why came this to nothing? When our Men landed, why was nothing done? At *Rhee* the whole Action was carried against the Judgment of the best Commanders: Not to mention the leaving of the Wines, nor to touch the Wonder that *Cesar* never knew, the enriching of the Enemy by Courtesies.

Sir Edw. Cook.

When *England* stood alone, and had not the access of another Kingdom, yet had as potent Enemies, the King of *England* prevailed. 42 E. 3. The King had the Kings of *Scotland* and *France* both Prisoners. 3 R. 2. The King was environed with *Flemings*, *Scots*, and *French*. 13 R. 2. with *Spaniards*, *Scots*, and *French*. 17 R. 2.

Wars

Wars were in *Ireland* and *Scotland*, and yet still the Kings prevailed. Let us give bountifully, chearfully, speedily, and not be afraid of our Enemies. The King hath 80000 l. a Year for the Navy, and shall we now give more to guard the Seas? Yet it should never be said, we denied all Supply.

Unless we are secured in our Liberties, we cannot give. He inclin'd to wave the Propositions, and to consider whether it be fit to give, or not.

Without Remedy for our Grievances, we shall neither be willing nor able to give. We have made some progress in our Grievances; let us (said he) now go on with the Supply. There is a distance between the King and us, which must be removed: Our Disease is the King's Evil, that must be cured with Gold. Let us take heed of too much repetition of Grievances, for in such case the Party that is the cause of the Grievance, commonly justifies it. He said, he had heard the old way was, first to remove Grievances; but they must not bind themselves to all that was done before.

The House waving this Debate about the Propositions, proceeded to Grievances by Confinement, and Foreign Employment.

There is nothing can be called a Punishment, but there is some ground or mention of it in Acts of Parliament, Law-Books, or Records; but of Confinement he said he found none, only the *Jews* have been sometimes confined, as here in *London*, to the *Old Jury*; and *Carcer domesticus* is a Confinement for Madmen.

In 88 Recusants were confined in strong Places, but it was held illegal; and when the Navy was dispersed, they were set at Liberty; and the Parliament petitioned the Queen for a Law to warrant the Confinement.

Hereupon it was resolved, That no Freeman ought to be confined by any Command of the King, or Privy Council, or any other, unless it be by Act of Parliament, or by other due Course or Warrant of Law.

Sir Tho. Wentworth.

Sir Hen. Martin.

The House waves the Propositions, and falls on Grievances.
Mr. Selden,

Sir Tho. Hobby.

Resolve touching Confinements.

Touching

An. 1628.

Foreign Em-
ployment.Sir Pet. Hay-
man.

Touching Foreign Employment, Sir *Peter Hayman* opened his Case. He said, He was called before the Lords of the Council; he heard it was for not lending on a Privy Seal. They told him if he did not pay, he should be put upon Foreign Service, and must go on his own Purse. But the Lawyers telling him he could not be so sent, he demanded Means, being resolved not to stir without it. About twelve days after the Council told him they would not send him as a Soldier, but to attend on an Ambassador. He knew that Stone would hit him, so he addressed himself to that Service.

Mr. Hackwell.

The Point is, Whether the King cannot command a Subject to his necessary Service; and on the other side, if he may, it's little less than an Honourable Banishment. 15 E. 3. n. 9. In the Parliament Roll, there is an Ordinance empowering the King to send Lawyers and Soldiers into *Ireland*: But if the King could have done it of himself, he would never have taken Power from his Parliament: And if this Law be disobeyed, there is no Imprisonment.

Sir Edw. Cook.

Foreign Employment is an honourable Banishment: There is a difference when the Party is the King's Servant, and when not. 46 E. 3. Sir *Richard Pembridge* was the King's Servant, and Warden of the Cinque Ports. He refused to go to *Ireland* to serve as Deputy: The King seized his Lands and Offices, which he had *pro servitio suo impenso*. The like Precedent is 47 E. 3. but no Commitment in either Case.

Sir Tho.

Wentworth.

If a Man owes another a Displeasure, and procures him to be put into Foreign Employment, this is of high Concernment.

Sir Joh. Elliot.

What difference is there between Imprisonment at home, and constrained Employment abroad, which stands not with our Liberty?

A Message by
Secretary
Cook.

April 3. Mr. Secretary *Cook* delivered a Message from the King to this effect.

His Majesty understanding some Rumors were spread of a sharp Message yesterday delivered by me,

me, and of some malicious Words the Duke should speak yesterday in Council; he assured them to the contrary, and that the Duke was the first who perswaded the King to this Parliament. That his Majesty graciously accepts of their Purpose on *Friday* to resolve on Supply; and when they present their Grievances, they shall know he hath no intention to violate their Liberties. Yesterday we attended the King, who asked what we had done? We said, we had entered into the consideration of Supply, and the final Resolution was to be on *Friday*; which was done, to join the business of his Majesty and our Country together. His Majesty answered, Who shall hinder him therein? If they did it not, they would not deal faithfully with him. You see (said he) a true Character of his Majesty's disposition.

Upon this some stood up and said, They never heard of any such sharp Message or Words. They concluded they would carry themselves as their Progenitors had done, who never trenched too far on the King's Prerogative; and they returned his Majesty their Thanks.

April 4. Mr. Secretary Cook delivered another Message from the King to this effect.

His Majesty taketh notice of what is in agitation among us, touching the freedom of our Persons, and Propriety of our Goods, which he no way disliketh. He willeth us to proceed cheerfully, and to express our readiness to supply his great Occasions, upon assurance we shall enjoy our Rights and Liberties, with as much freedom and security, as under the best of our Kings: And the more Confidence we shall shew in him, the more we shall prevail.

Dispatch is better than Discourse; we know the Danger of our Enemies; I believe our Peril is as great as may be: Let us hasten our Resolutions to supply his Majesty.

After some debate they unanimously resolved, **That five Subsidies be given his Majesty.**

April

Debates on the Message.

Another Message by him.

Mr. Pym.

Five Subsidies resolved on.

An. 1628.

*The King accepts them.**D. of Buckingham's Speech at the Council Table thereupon.**Sir John Elliot dislikes that the Duke's Name was intermingled with the King's.*

April 7. Mr. Secretary *Cook* reported the King's Acceptance of the Subsidies. He said, his Majesty asked, By how many Voices were they gain'd? I said, but by one. His Majesty ask'd, how many were against him? I said, None; for they were voted by one general Consent. It gave him no small content; that altho five Subsidies be inferior to his Wants, yet it is the greatest Gift that ever was given in Parliament. He said, he liked Parliaments at first, then distasted them, and now loved them again. Mr. Secretary at the same time acquainted the House with the Duke of *Buckingham's* Speech thereupon at the Council-Board; which was to this effect.

i. That he beheld his Majesty a great King. That the Opinion that the People loved not his Majesty, had almost lost him in the Opinion of the World: But this day made him appear a glorious King, loved at home, and now to be feared abroad. He pray'd his Majesty that they might be now his Favorites, and he his Servant. He said, That this great Gift, tho less than his Majesty's Occasions might ask, yet is greater than ever Subjects gave in so short a time, and is but an Earnest of their Affections, to let him see, That when the Honour and Good of the State is ingaged, and Aid asked in the ordinary way of Parliament, he cannot want. That this good beginning hath drawn from his Majesty a Declaration, that he will love Parliaments; and he question'd not but their Demands will be moderate, and Parliaments (he hoped) frequent for the future. That he hath long lived in pain, to be thought the Man of Separation, that divided the King from his People, but it will appear a Mistake.

Mr. Secretary also repeated the Substance of the King's Answer to the Petition against Recusants: And Sir *John Elliot* expressed the Satisfaction they all receiv'd in his Majesty's Answer; but disliked that any other should be mentioned with his Majesty, which had been formerly a Matter of Complaint in that House, as if the mention of others could add

to their Incouragement or Affections, or the Power or Interest of any Man could add to his Majesty's Inclinations towards them; and desired that no Man should take the boldness within those Walls, to introduce such a Mixture for the future.

The Commons prepared to transmit to the Lords their Resolves touching the Subjects Liberty in their Persons, and Property in their Goods; and several were appointed to manage a Conference with them concerning the same.

The Commons transmit their Resolves to the Lords.

Sir *Dudley Diggs* begins: He said, The Laws of *England* were grounded upon Reason, more antient than Books, consisting much in unwritten Customs, which have continued most part the same from the *Saxon* days; and tho they were laid asleep in the time of the *Danes*, good King *Edward*, called *St. Edward*, awakened them, and *decoratas confirmavit*; which *confirmavit* shews, that he did not give those Laws, which *William the Conqueror* and his Successors have since sworn unto. In the *Saxon* Times they had their Courts Baron, Courts Leet, and Sheriffs Courts, as now; and (as he believes) their Parliaments, where new Laws were made, *cum consensu Prælatorum, Magnatum, & totius Communitatis*; or as another, *cum consilio Prælatorum, Nobilium & Sapientium Licorum*. That it is an undoubted and fundamental Point of this antient Common Law, That the Subject hath a Property in his Goods and Possessions. But this the Subjects Birthright hath been lately invaded by Pressures, that have been pursued by Imprisonment: And when Redress hath been sought by *Habeas Corpus*, Success hath failed, which now enforceth the Commons to examine the Truth of the Subjects Liberty.

Sir D. Diggs begins the Conference.

The Commons have unanimously declared, That no Freeman ought to be committed or restrained in Prison by the Command of the King, or Privy Council, or any other, unless some Cause of the Commitment, Detainer, or Restraint, be expressed, for which by Law he ought to be committed, detained, or restrained. And they had charged him particularly, leaving the Reasons of Law

Mr. Littleton of the Inner Temple.

An. 1628.

Law and Precedents to others, to satisfy their Lordships that this Liberty is established and confirmed by several Acts of Parliament. He cited *Magna Charta*, cap. 29. *Nullus liber homo*, &c. He argued upon the several Particulars in that Clause, and shewed, That no Invasion was made upon this Personal Liberty till E. 3. which was soon resented; for 5 E. 3, 9. it was enacted, That no Man should be attached, forejudged of Life or Limb, nor his Lands or Goods seized into the King's Hands, against the Form of the Great Charter, and the Law of the Land. And 25 E. 3, 4. it was established, That none should be taken by Petition or Suggestion to the King or his Council, unless by Indictment or Presentment, or by Process by Original Writ; and none shall be outed of his Freehold, unless by Course of Law. And 28 E. 3, 3. That no Man shall be put out of his Lands, Imprisoned, Disinherited, or put to death, without he be put to answer by due Process of Law; and several other Statutes were cited by him.

Objections by
the King's
Council.

The King's Council afterwards made their Objections. They acknowledged the Statutes cited (Seven in all) were in force: But said, some of them were in general Words, others applied to the Suggestion of Subjects, not the King's Command. That, *per Legem terræ in Magna Charta*, Process of Law, and Original Writs, cannot be understood; for in Criminal Proceedings there is no Original Writ, but every Constable may commit for Felony or Breach of the Peace: And shall not the King have the Power of a Constable? That the Cause of Imprisonment may be a Matter of State not fit to be revealed: That Bailing is a Favour of the Court, which they may deny.

Answered.

It was reply'd, That Commitment by the King's Command, was in equal Reason with the Suggestion of Subjects: And *per legem terræ* is not intended Original Writs only, but all Legal Process. That to express a General Cause, is sufficient, as Treason, Felony, &c. That the Judges have ever given so much respect to a Commitment

ment by the King or Privy Council, as not to deliver the Parties presently, but to bail them. But if an inferior Officer commit a Man, without shewing Cause, they instantly deliver him. And tho Bailing is a Favour of the Court in case of Felony, &c. where there is a way to discharge them in convenient time by their Trial; yet where no Cause of the Imprisonment is shewed, they ought to be bailed upon their *Habeas Corpus*, for if remanded, they may be perpetually imprisoned.

In this Question, which is of so high a nature, that none ever exceeded it in any Court of Justice, the Commons have carefully informed themselves of all former Judgments or Precedents concerning it either way. The Precedents are of two sorts, either merely matter of Record, or the former Resolutions of the Judges. This Point that concerns Precedents, the House of Commons have commanded him to present to their Lordships, but he first acquainted them with that which will serve as a general Key for the opening all those of Record, without which Key no Man, unless vers'd in the Entries and Course of the *King's Bench*, can possibly understand them. It were to no purpose to have a right to Lands, if there were not a known Remedy whereby to recover them; or to have Laws for the Liberty of our Persons, if there were not a Remedy for regaining it when restrained. The Writ of *Habeas Corpus*, or *Corpus cum Causa*, ought not to be denied. 'Tis directed to the Keeper of the Prison to bring in the Body *cum causa detentionis*, and sometimes *cum causa captionis*: And he with his Return filed to the Writ, bringeth the Prisoner to the Bar; and if the Court finds him bailable, *committitur Marescallo*, and then afterwards *traditur in Balium*: But if he be not bailable, then he is remanded back, and the Entry is *Remittitur quousque secundum legem deliberatus fuerit*, or *Remittitur quousque*, &c. which is all one, and is the highest Award of Judgment can be given upon a *Habeas Corpus*.

Mr. Selden of
the Inner
Temple.

An. 1628.

Corpus. He said, the Resolution of the House of Commons touching the Enlargement of a Man committed by the Command of the King or Privy Council, or any other without Cause shewed, is strengthened by many Precedents of Record. He then produced twelve Precedents directly in the Point, to prove that such Persons ought to be bailed, which were distinctly read and opened to their Lordships. Then he offered to them other kind of Precedents not of Record, which were the solemn Resolutions of the Judges, That the House of Commons desiring to inform themselves of the Truth of the Resolution of the Judges 34 *Eliz.* cited in Sir *John Heveningham's* Case by the King's Counsel against his not being bailed, have gotten a Book of select Cases written by Chief Justice *Anderson*, all with his own Hand, which he caused to be read, which was the same herein before-mentioned: And then he left with their Lordships authentick Copies of what he had cited.

Sir Ed. Cook.

That their Lordships had heard seven Statutes in Point, and 31 Precedents, 12 whereof are *in terminis terminantibus*. And after he had cleared some Doubts made of the Statute of *Westminster*, which saith, That the Sheriffs and others in some Cases may not replevy Men in Prison: He said, That the Arguments offered by his Collegues to their Lordships, were, 1st, Acts of Parliament; 2^{ly}, Judicial Precedents: And now his part was to offer the Reasons of all those Laws and Precedents. His Reasons were six, 1. *A re ipsa*, from the nature of Imprisonment; for a Man imprisoned upon Will and Pleasure, is a Bondman, nay worse than a Bondman or Villain; for the Lord of a Villain cannot command another to imprison his Villain without cause. 7 *E. 3.* to 50. in the new Print, 348 old Print; A Prior had commanded one to imprison his Villain; the Judges were ready to bail him, till the Prior gave his Reason, that he refused to be Bailiff of his Mannor. 33 *E. 3.* title *Tresp.* 253. in *faux* Imprisonment. An

An Abbot commanded one to detain his Villain, and gave this Cause, because he refused to drive his Cattel. Nay, a Freeman imprisoned without Cause, is a dead Man; and so not so much as a Man, *Perdit domum, familiam, vicinos, patriam.*

2. *A minore ad majus*: He takes it from *Bracton*, *Minima pœna corporalis est major qualibet pecuniaria.* Now the King himself cannot impose a Fine upon any Man, but it must be done by his Judges, as was resolved by all the Judges of *England*, 3 R. 2, 11.

3. From the diversity of Remedies provided against Imprisonment, *viz. Breve de homine replegiando, de odio & atia, Habeas Corpus*, an Appeal of Imprisonment, and *Breve de manucaptione*, altho the two latter be antiquated.

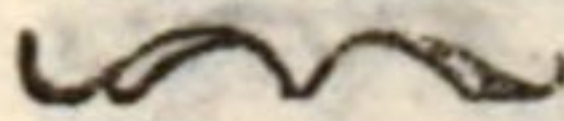
4. From the Extent and Universality of this pretended Power to imprison; for it extends to the Nobles and Commons, and their Posterity, the Bishops and Clergy, and their Successors, the Judges and Officers, and all others of what Condition, Sex or Age soever.

5. From the infiniteness of the Time, this pretended Power to imprison being limited to no time, but may be perpetual during Life, and so a Man shall have Remedy for his Horse or Cattel detained, and none for his Body.

6. *A Fine*, where he argued, 1. *Ab Honesto*: It would be no honour to a King to be a King of Bondmen or Slaves. 2. *Ab Utili*: The execution of those Laws whereby the King was inhibited to imprison at pleasure, being adjudged in Parliament to be for the common Profit of the King and People: But this Roll was kept by the great Men from being printed.

3. *A Tuto*: To commit without Cause expressed, is dangerous to the King; for if the true Cause be Treason or Felony, yet if not expressed, the Prisoner's escape is not Treason or Felony. He cited a Case, *Traditur in Ballium, quod breve Regis non fuit sufficiens Causa.* And another, where the Commons desired the Duke of *Suffolk* should be committed. The Lords and Judges delivered their Opinion, That he ought not to be committed without an

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especial Cause ; and the very name of the Writ, *Corpus cum Causa*, shews, That the Cause must be brought before the Judg : And *Festus*, Acts 25. thought it unreasonable to send a Prisoner without the Cause alledged against him ; and to make Men Tenants at Will of their Liberty, destroys all Industry. He cited four Authorities which he said were full and pertinent to the Point, 16 H. 6. Title, *Monstrans de Faits* 82. The King in his presence cannot command a Man to be arrested ; but an Action of false Imprisonment lieth against him that arresteth. 1 H. 7. 4. The Opinion of *Markham* Chief Justice, That the King cannot imprison by word of Mouth. *Fortescue*, cap. 8. *Proprio ore nullus Regum usus est*, to imprison any Man. 4 Eliz. Pl. 235. The Common Law hath so admeasured the King's Prerogative, as he cannot prejudice any Man in his Inheritance ; and the greatest Inheritance a Man hath is the Liberty of his Person. He answered two Objections ; *Object. 1.* May not the Privy Council commit, without Cause shewed, in a Matter of State, where Secrecy is required ? *Answ.* The King cannot be prejudiced ; for if it be for a higher Cause, as Treason, or Felony, or misprision of Treason or Felony, the Cause may be couched in general Words : If it be of a lower nature, the particular Cause must be shewed, and no *individuum vagum*. *Object. 2.* If the Law be so clear, what needs any Declaration or Remonstrance in Parliament ? *Answ.* The Subject hath in this Case sued for Remedy in the *King's Bench* by *Habeas Corpus*, and found none, therefore it is necessary to be cleared in Parliament. He concluded, That their Lordships were involved in the same danger with the Commons ; and therefore the Commons desired a Conference, that their Lordships might make the like Declaration as they had done, and a Course might be taken to secure their Liberties for the future.

The two next Days were spent in the Debate about Billetting of Soldiers.

April

April 10. Mr. Secretary Cook deliver'd this Message, That his Majesty desireth this House not to make any Recess these *Easter* Holy-days, that the World may take notice how intent he and they are upon the publick Affairs of *Christendom*. But this Message was not well taken.

4 Car.
The K's Mes-
sage for Non-
recess.

Not well taken.

In 12 and 18 *Jac.* upon the like Intimation, the House resolv'd it was in their Power to adjourn, or sit: He moved, that it might be referr'd to a Committee to consider thereof, that if now yielded unto, it might not prejudice them in time to come: And a Committee was appointed accordingly.

Sir Rob. Philips.

The King makes a Prorogation; but this House adjourns it self. If the King write to an Abbot for a Corody, for a Valet, if it be *ex rogatu*, tho the Abbot yield to it, it binds not: Therefore he desired it may be enter'd, that this is done *ex rogatu Regis*.

Sir Edw. Cook.

Hereupon the House sent the King this Message, That they would give all Expedition to his Majesty's Service, notwithstanding their purpose of Recess. His Majesty answer'd, he wished them all Alacrity in their Proceedings, and that there be no Recess at all.

A Message to
the King.

April 11. Secretary Cook mov'd the turning of the Vote for five Subsidies into an Act, and for appointing a time.

Secretary Cook
to expedite
Subsidies.

We have asserted our Liberties, we have offer'd five Subsidies, his Majesty hath given us gracious Answers, but what have we done for the King? The World thinks this Parliament hath not expressed that Resolution it did at first: For never did Parliament propound any thing, but it hath been perfected sooner than this is: Shall it be said that this day it was mov'd for Supply, but denied?

Sir Dudley
Diggs.

When we resolve of a time for Supply, let the Subjects Liberties go hand in hand, but not report such our Resolution to the House, till we have a Bill for our Liberties.

Sir Thomas
Wentworth.

Whereupon the Committee of the whole House resolv'd, That Grievances and Supply go hand in hand,

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Another Mes-
sage by Secre-
tary Cook for
Supply.

April 12. Mr. Secretary Cook deliver'd another Message from his Majesty, That his Majesty hath given them timely notice of the necessity of Supply, but finds a stop beyond Expectation: That he would have them proceed in this business without delay, and bids them take heed they force him not to make an unpleasing end of what was so well begun: He desir'd them not to undervalue or overstrain this Message, or conceive his Majesty threatens to dissolve this Parliament: His Majesty intends the contrary, but takes notice of a peremptory Order, whereby his Business is excluded for a time; and that this House presses not upon the Abuses of Power only, but upon Power it self.

Being mov'd to explain what he meant by the word *Power*, He said he could not go from what his Majesty gave him Warrant to deliver. This Message was very unpleasing to the House.

Sir Rob. Phi-
lips.

Sir R. Philips said, he hoped their Moderation would have begotten a right understanding between his Majesty and them.

Others mov'd, that for preventing those Mischiefs which by frequent Messages thus obstruct them, they would let those Gentlemen near the Chair see that they have endeavour'd to apply themselves to his Majesty's Service, notwithstanding this Message, and that they are not Antimonarchically affected, than which Opinion nothing hath more endanger'd them with his Majesty.

Secretary
Cook.

About two days after Mr. Secretary Cook quickned them again for Supply, alledging that all Negotiations of Ambassadors are at a stop, and the Souldiers can neither be disbanded nor put in Service.

Mr. Wandef-
ford.

This Motion comes unexpectedly, the proceeding with our Grievances will open this stop.

Sir Humphrey
May.

Sweetness, Trust and Confidence are the only Weapons to deal with our King; Coldness, Inforcement and Constraint will never work our Ends. If we have not the King's Heart, what good will a Law do us?

Here.

Hereupon a Committee was appointed to consult upon a Representation to his Majesty, which the Speaker should deliver in his Speech, together with the Petition against billeting of Soldiers.

The Speaker's Speech on *Easter*-Monday was to this effect ;

That the Commons have cause to doubt his Majesty is not so well satisfied with the manner of their Proceedings as they could wish, especially in that of Supply, as if they had of late used some Delay therein. That they have commanded him to attend his Majesty with a Summary Declaration of their Proceedings. That altho by antient Course of Parliament, Grievances have been first considered of before Supply, yet to express their Zeal and Affection to his Majesty, they have given Supply the precedence before the common Grievances of the Subject, joining with it only those Fundamental Liberties which give Ability to his Subjects. These two Considerations cannot be severed, they both entirely concerning his Majesty's Service : And so far have they been from using unnecessary Delays, that altho that of Supply was the latter Proposal, yet the Grand Committee made that first ready for conclusion ; and for the sooner dispatch they sent up what concerned the Subject by Parcels, some to his Majesty, and some to the Lords, to the end his Majesty may receive the speedier Content : Those Fundamental Liberties which concern the Freedom of our Persons, and Propriety of Goods and Estates, being an essential Means to establish the true Glory of a Monarchy. For rich and free Subjects, as they are best governed, so they are best able to do his Majesty Service ; whosoever inform his Majesty to the contrary, do it for their own Ends, and under colour of advancing the Prerogative, do undermine and weaken Royal Power, by impoverishing the Subjects, and rendring them less able to serve his Majesty. He beseeched his Majesty to believe their Alacrity and Chearfulness in his Service, and to receive no Information in this or any

The Speaker's Speech to his Majesty.

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other Business from private Relations, but to judge of their Proceedings by those Resolutions of the House that shall be presented by themselves; so shall the End of this Parliament be happier than the Beginning, and it shall in all Ages be stiled the *Blessed Parliament*. Then he presented to his Majesty their Petition against Billeting of Soldiers. He said, the Subjects Hearts were the best Garrison of the Kingdom; and they not going themselves into their Countries this *Easter*, they should think themselves happy if they could send them a gracious Answer from his Majesty to this their Petition.

The Petition against Billeting of Soldiers.

Which Petition was to this effect;

That by the Fundamental Laws of this Realm every Freeman hath an absolute Propriety in his Goods and Estate; and the billeting of Soldiers in the House of such Freeman against his Will, is directly contrary to the said Laws, and an apparent violation thereof. A new way is invented to lay Soldiers upon the Country, scattered in Companies here and there, and to compel them to lodge them in their Houses, and both themselves and others to contribute to their Maintenance, to the general terror of all, and utter undoing of many; the innumerable Mischiefs whereof they would not trouble his Majesty with, only offer some few of them to his consideration.

1. The People dare not repair to the Church, lest the Soldiers in the mean time should rife their Houses.

2. The antient Government of the Country is neglected and contemned.

3. The Officers of Justice have been resisted and endangered.

4. The Revenues of the Gentry have been diminished, their Farmers being enforced to give up their wonted Dwellings.

5. Husbandmen corrupted by the Soldiers ill Example, give over Work.

6. Tradesmen and Artificers are discouraged, and enforced to leave their Trades.

7. Mar-

7. Markets unfrequented, and the Ways grown dangerous.

8. Frequent Robberies, Assaults, Batteries, Burglaries, Rapes, Rapines, Murders, barbarous Cruelties, and abominable Vices and Outrages are generally complained of; few of which have been questioned, and fewer punished: Hereby his Majesty's Subjects are disabled to give him those Supplies they desire. And the meaner sort of People being exceeding poor, are apt upon this occasion to cast off the Reins of Government, and by joining themselves to those disorderly Soldiers, to fall into Mutiny and Rebellion, which they fear will shortly ensue, unless those unruly Companies be removed out of the Land, or disbanded. They offer to his Majesty's Consideration, that many of those Companies are professed Papists, who are likely, if occasion serve, to adhere to a Foreign Enemy of that Religion; especially some of their Captains and Commanders, who have served on the part of the King of *Spain*, and Arch-dutchess: Wherefore they pray a present removal of this insupportable Burden, and that they may be secured from the like Pressure for time to come.

To the Speaker's Speech, and this Petition, his Majesty reply'd, That when he sent his last Message he did not expect a Reply, for he intended it to hasten them. The Question is not what Liberty they have in disposing of Matters handled in their House, but what at this time is fit to be done? He hopes they will follow his Example, in avoiding Disputations. They protest their Affection and Zeal to his Prerogative; He desires them to believe him, that he is as forward as they for the preservation of their Liberties: Bids them go on speedily with their Business, without any more Apologies; their Petition he would answer in convenient time.

To the 25th of the same Month, the House in a Grand Committee spent their time in debate about Martial Law, and met the Lords at two Conferences about a Petition of Right; and Sir Robert

The King's Reply to the Speaker's Speech, and the Petition.

Debate about Martial Law.

An. 1628.
 Serj. Ashley
 questioned.

ABp's Speech
 at a Conference
 touching the Pe-
 tition of Right.

Propositions
 tendred by the
 Lords to the
 Commons about
 the same.

Robert Heath, and Serjeant Ashley, the King's Council, being permitted to argue against it, Serjeant Ashley (*int. al.*) said, 1. The Commons Propositions tended to an Anarchy, not a Monarchy. 2. They give the King a Sword with one hand, and take it from him with the other. 3. The King must be allowed to govern by Acts of State. 4. The Question is too high to be determined by Law. For which the Lords committed him to Custody; and afterwards he recanted.

25 April, The Lords had a Conference with the Commons, where the Archbishop of Canterbury spake to this effect.

That the Lords do generally agree with them to support the Fundamental Laws and the Fundamental Liberties of the Subject, and are not out of love with any thing they have tendred to their Lordships: That their Lordships have determined of nothing, only have thought of some Propositions which they have ordered to be read, and then left with them (the Commons) in writing, to put out, add, alter, or diminish, as they shall think fit.

Then the Propositions were read, being to this effect; That his Majesty would declare,

1. That *Magna Charta*, and the six other Statutes, conceived to be Explanations thereof, are in force.

2. That according to *Magna Charta*, those Statutes, and the antient Customs and Laws, every free Subject of this Realm hath a Fundamental Propriety in his Goods, and a Fundamental Liberty of his Person.

3. That his Majesty will confirm to his Subjects, their Antient and Just Liberties, Privileges, and Rights, in as ample manner as their Ancestors enjoyed the same under the best of his Progenitors.

4. That in all Cases within the cognizance of the Common Law concerning the Liberties of the Subject, his Majesty would proceed according to the Common Law, and the Laws established in this Kingdom.

5. That

5. That his Majesty would resolve not to use or divert his Royal Prerogative to the prejudice of his People in their Goods or Persons. And in case, for the security of his Majesty's Person, the Common Safety, or of the Government, his Majesty shall, for Reason of State, imprison or restrain any Man's Person; He would declare, That within a convenient time he will express the Cause, either General or Special, and leave him immediately to be tried.

After the reading thereof the Archbishop said, This was but a Model to be added unto, altered or diminished, as the Commons should think fit.

Sir *Dudley Diggs* told their Lordships, the Commons had strong hopes, from the continued good Respect their Lordships had shewed them, and their Lordships profession of desiring to support the Fundamental Laws and Liberties of *England*, that this would prove a happy Parliament. That the Commons do assure them, they will be as ready to propugn the just Prerogative of his Majesty, of which they have been most careful. He took notice of their Lordships honourable Disposition, in not expecting from them a present Answer to their Propositions; which being new, and they a great Body, they must take time to advise thereupon. But it's manifest there is a great Unanimity and Harmony between the two Houses; like two Lutes well strung and tun'd, if brought together, and one be plaid upon, little Straws and Sticks will stir upon the other tho it lie still.

But the Commons were not satisfy'd with these Propositions, as tending to the preventing the Petition of Right.

April 28. The Lord Keeper spake to both Houses, the King being present: He put them in mind of the great and important Affairs which were at first declared by his Majesty to be the Causes of his assembling this Parliament. That his Majesty considering there hath been much expence of Time, occasioned by the Debates in both Houses touching the Liberty of the

*Sir D. Diggs
Reply.*

*Lord Keeper's
Speech to both
Houses.*

An. 1628. the Subject, and what length of time (more than the Affairs of Christendom can permit) it may take up for the future; His Majesty hath bethought himself of an Expedient, and hath commanded him to let them know, That he holdeth *Magna Charta*, and the said other six Statutes insisted on for the Subjects Liberty, to be all in force; and assures them, that he will maintain all his Subjects in the just Freedom of their Persons, and Safety of their Estates: That he would govern according to the Laws; and that they should find as much Security in his Royal Word and Promise, as in the strength of any Law they could make, so that hereafter they should never have cause to complain; and he desir'd no Doubt or Distrust might possess any Man.

*Mr. Secretary
Cook.*

The House of Commons being return'd from the Lords, Mr. Secretary *Cook* observed to them his Majesty's Sense of the important Affairs of State, and his moderation in the Interpretation of their Actions; and in considering the expence of Time that the Debates in both Houses must needs occasion, taking their Proceedings in good part, and presuming they will confess he hath used extraordinary Grace towards them. But in the Form of Debates such length of time is required, as the nature of the Business will not indure. That the King would govern according to Law, that is, the common Law, whereof *Magna Charta* is a part. There is the Law of the King's Bench, and the Law of the Chancery. But the general Government of Cases, with relation to the common State of the Kingdom, is from the Council Board; and there they are to vary from the Law of the Kingdom, as in time of Dearth, Goods may be forced to be brought to the Market, as the Council Board caused Coals to be brought forth and sold. In time of Pestilence, Men may be restrained; in Schism, the State may inquire after the Favourers of it: In case of Invasion, the Government may restrain mens Persons. His Majesty hath declared *Magna Charta* and the other

other Statutes are in force: That he will govern according to Law; that we shall find as much Security in his Promise, as in any Law can be made. What Prince can express more Care and Wisdom? Lastly, The King saith, they shall never have the like cause to complain. He moved, that as his Majesty had now shewed himself the best of Kings, they would acknowledg his Goodness, and apply themselves to that Union so much desired by all.

But this Motion was not receiv'd with general acceptance; and Sir Benjamin Rudyard thus reply'd: That what they had resolved is according to Law, and the Scope of *Magna Charta* is to reduce the Regal to a Legal Power in matter of Imprisonment, or else it had not been worth so much contending for. The King ought to have a Trust reposed in him, for it lies not in the Wit of Man to devise such a Law as shall comprehend all extraordinary Accidents, which if disposed of for the Common Good, there is no Law against them. God hath made no Law for Miracles, which are rather *præter naturam*, than *contra naturam*, and always *propter bonos fines*: So the King's Prerogatives are rather besides the Law, than against it; and when directed to the Publick Good, are concurrent and excellent Laws. The King's Council have acknowledged all the Laws to be in force, the Judges have not allowed any Judgment against them; the Lords have confessed that they are in full strength. But above all his Majesty hath declar'd, That *Magna Charta* and the other six Statutes are in force: That he will maintain his Subjects in the Liberty of their Persons, and Propriety of their Goods, and will govern according to Law. This is a solemn and binding Satisfaction; and the King will think it hard to have a worse Mark set upon him, than upon any of his Ancestors by extraordinary Restraints. He hath intimated to them, that he willingly gives way to have the abuse of Power reformed; that Power which hath produced so much weakness to himself and

Sir Benjamin Rudyard.

An. 1628.



and the Kingdom. He added, He would be glad to see that old bed-rid Law *Magna Charta* to walk abroad again, attended by the other six Statutes, and to have a Bill against Imprisonment for Loans or Privy-Seals. As for Reason of State, it was a Matter in the Clouds; and as it hath been used, has almost eaten out the Laws, and all the Religion of Christendom. He minded them of the wise Man's Precept, *Be not over wise, be not over just; for why wilt thou be desolate?* If Justice and Wisdom may be stretch'd to Desolation, let us learn the Excellency of Moderation, and to carry it so as to keep Parliaments on foot; for as long as they last, irregular Power will moulder away, and there can be no total or final loss of our Liberties.

A Committee
to draw up a
Bill for the
Subjects Liber-
ty.

Message by Se-
cretary Cook.

Hereupon a Committee was appointed to draw up a Bill containing the Substance of *Magna Charta*, and the said other Statutes.

May 1. Mr. Secretary Cook deliver'd a Message from his Majesty, viz.

To know whether the House would rest on his Royal Word declared by the Lord Keeper; assuring them if they did, it should be really perform'd. Upon this there was a Silence for a good space. Then Mr. Secretary Cook proceeded: He said, his Majesty was resolved to do as much as ever King did for his Subjects: He assures us we shall not have the like cause to complain, and that the Laws shall be establish'd; what can we desire more? Would we strive to bring our selves into a better Condition, and greater Liberty than our Fathers had, and the Crown into a worse than ever? If what we desire be no Innovation, 'tis already contain'd in these Acts and Statutes, make what Law you will. If I discharge the Place I bear, I must commit Men, and must not discover the Cause to any Jaylor or Judg.

Sir Robert
Philips.

Sir Robert Philips said, His Majesty's Words had struck an Impression into the Hearts of them all: That they were come to the End of their Journey; and the well-disposing of an Answer to
this

this Message would give Happiness or Misery to this Kingdom.

The House being turn'd into a Grand Committee, some said, The Subject had suffered more in the violation of their Liberties within these few Years, than in three hundred Years before.

The House in a Grand Committee.

His Majesty's Royal Word was, that they might secure themselves any way, by Bill or otherwise; and the Bill may come, not from the House, but from the King.

Sir Edw. Cook.

Others said, the King's late Promise was made in the Face of both Houses, and therefore they may assure themselves of the performance of it; and they bind his Majesty by relying on his Word.

We are ambitious that his Majesty's Goodness may remain to Posterity; and seeing there hath been a publick Violation of the Laws, nothing will satisfy but a publick Amends, and to vindicate the Subjects Right by a Bill.

Sir Tho. Wentworth.

Mr. Secretary Cook delivered another Message from his Majesty, that he would govern them according to Law, and maintain them in the Liberty of their Persons, and Propriety of their Goods; and that he would rectify what hath been amiss, so that hereafter there may be no just cause to complain. Yet he would not have them to incroach upon his Sovereignty or Prerogative, but contain themselves within the Bounds and Laws of their Forefathers, without new Explanations, Expositions, or Additions, which he will not give way unto. That his Affairs will indure no longer Debate or Delay; and this Session must continue no longer than Tuesday Sevensnight, and he will have another Session at Michaelmas next.

Another Message by Mr. Secretary Cook, about ending this Session.

We will not incroach upon the King's Sovereignty: Let us assure him we will not make any thing new. The Time of this Session is short, and so many Messages, so many Interruptions we have.

Sir John Elliot.

Our Protestant Friends are ready to be swallowed up; our Religion is invaded by the Roman Catholics by colour of a Commission; our Shipping

Sir Miles Fleetwood.

An. 1628.

*The Speaker's
Speech to the
King, in answer
to his several
Messages.*

ping decay'd; the King's Revenue sold and gone: Let us proceed by Bill to establish the Propriety of our Goods, and Liberty of our Persons, and declare, That Loan and Imprisonment are unlawful, and all Judgments for it void, and Commitments against Law to be remedied.

To all these Messages the Commons agreed on an Answer; which was presented by the Mouth of the Speaker, and was to this effect: They thanked his Majesty for his Promises, to govern according to Law, and to maintain them in the Freedom of their Persons, and in their Estates, Rights and Liberties, and his intimation of his Confidence in their Proceedings. And whereas in one of his Messages he desired to know, Whether they would rest upon his Royal Word and Promise, assuring them it should be really perform'd: They assure him, their greatest Confidence is in his Grace and Goodness. But they cannot but remember the Publick Trust for which they are accountable to present and future Times; and desire his Majesty's Goodness may extend to Posterity. And there having been of late a publick Violation of Laws and Liberties by some of his Ministers, nothing less than a publick Remedy will raise the dejected Hearts of his Subjects: They beg leave to lay hold on the Assurance he gave them, That if they would secure their Rights and Liberties, by way of Bill, or otherwise, he would give way to it; it being far from their Intentions to incroach upon his Sovereignty or Prerogative, or to stretch former Laws by new Interpretations or Additions; they only desiring some necessary Explanation of what is comprehended within the meaning of those Laws, with some provision for Execution and Performance. Touching which their humble Desires, they are now in serious consideration.

*The King's
Answer by the
Lord-Keeper.*

Whereunto the King answered by the Lord-Keeper, That he expected an Answer by their Actions, not Discourse. Explanations would hazard an Incroachment upon his Prerogative: And what

what need a new Law to confirm an old, if they repose Confidence in his Majesty's Declaration to both Houses? Yet to shew his Majesty's Sincerity, he is content a Bill be drawn for a Confirmation of *Magna Charta*, and the other six Statutes, but without Additions, Paraphrases, or Explanations. That if they seek to tie their King by new and impossible Bonds, they must be accountable for the ill Success of this Meeting: And 'tis his Majesty's Pleasure, that without further Replys, Messages, or unnecessary Delays, they do what they mean to do speedily.

May 6. Mr. Secretary Cook again pressed the House to rely upon the King's Word, as a better way than an Act of Parliament, and more binding to the King than any Law; for it binds his Affection, his Judgment, his Honour, and his Conscience: And moved that this Debate might be before the House, not before a Committee of the whole House.

But Sir John Elliot reply'd, The proceeding in a Committee was the most honourable and advantageous way, and led most to Truth: And the House was turn'd into a Committee accordingly.

Some were for letting the Bill rest, but Sir Edward Cook's Reasons prevailed to the contrary: Was it ever known (said he) that general Words were a sufficient Satisfaction for particular Grievances? Was ever the King's verbal Declaration *Verbum Regni*? Did ever Parliament rely on Messages? Did ever the King's Message come into a Bill of Subsidies? Succeeding Kings may say, You may trust me as well as my Predecessor. Let us put up a Petition of Right; not that I distrust the King, but we cannot trust him but in a Parliamentary way.

May 8. The Petition of Right was finished, and delivered to the Lords at a Conference: And the same day it was ordered, that two of the five Subsidies should be paid July 10. one more Octob. 12. one more Dec. 20. and the other March 1.

A a

At

Mr. Secretary Cook.

Sir Joh. Elliot.

The House turned into a Committee.

Sir E. Cook.

The times of payment of the 5 Subsidies.

A. 1628.

*Sir E. Cook
presents the
Petition of
Right to the
Lords.*

*Ld Keeper at a
Conference
communicates a
Letter from
the King.*

*The King's
Letter.*

At the Conference, Sir *Edward Cook* acquainted the Lords, That since they had received their Lordships Propositions, they had had several Messages from the King, That he would maintain his Subjects in the Freedom of their Persons and Estates, and would govern according to Law. That they should find much Confidence in his Royal Word, and enjoy their Rights and Liberties, and secure them by Bill, or otherwise. That thereupon they thought it the safest Course to go in a Parliamentary Way, and had drawn a Form of a Petition, desiring their Lordships Concurrence therein, who are involved in the same Danger. Then he read the Petition of Right.

May 12. The Lords had a Conference with the Commons, and the Lord Keeper spake to this effect; That their Lordships after some time spent in their House in Debates about the Petition of Right, had appointed a Committee to consider, Whether there might not be some Words altered or put in, which might make it more passable with his Majesty. And the Committee having propounded some small Matters to be altered in some few Words, their Lordships would resolve of nothing till they had their (the Commons) Consent: but thought it fit it should be propounded to them to consider, Whether there should be any such Alteration, or no, concerning Commitment by the King and Council, without expressing the Cause? Their Lordships thought to have debated it this morning: But they have received a Letter from his Majesty, which they conceive will give Satisfaction to both Houses in the main Point, and do communicate the same to them, the Commons. Then the Letter was read; it was directed to the Lords Spiritual and Temporal of the Higher House, and was to this effect:

That he had given leave of free Debate upon the highest Points of his Prerogative. That his Messages to the Commons House, might fully satisfy all moderate Minds; yet he finds it still insisted on, that in no Case whatsoever, he or his Privy

Privy Council, have power to commit any Man without Cause shewed, which Cause must be determined by the Judges; whereas should the Cause be shewed, the Service it self may be defeated, and those Judges may not have Capacity of Judicature, nor Rules of Law to guide their Judgment in Cases of that transcendent nature: That such incroaching on the Government, would soon dissolve the very frame of the Monarchy: And without the overthrow of Sovereignty, he cannot suffer this Power to be impeached. Notwithstanding he declares, That neither he nor his Privy Council will commit or restrain any Man for not lending any Mony to him, nor for any Cause which in his Conscience doth not concern the Publick Safety. And that in all Cases of this nature he would, upon the Petition of the Party, or Address of the Judges, express the true Cause of the Commitment or Restraint, so soon as fit to be disclosed; and in all Causes Criminal, of ordinary Jurisdiction, the Judges should deliver, or bail the Prisoner according to *Magna Charta*, and those other six Statutes, which he takes notice stand in full Force; and this he signifies to shorten any Debate upon this great Question.

The same day this Letter was communicated to the House of Commons, they laid it aside. Sir Thomas Wentworth said it was a Letter of Grace, but the People will only like of that which is done in a Parliamentary way, nor was it directed to the House of Commons.

At a Conference May 17. the Lords propounded an Addition to be made to the Petition of Right. The Lord Keeper told the Commons, That since the late Conference their Lordships had applied themselves to reduce the Petition to such a Frame, as may give hopes of its Acceptance; and have resolved to present something to them not as a thing conclusive, but to be advised and conferred upon between them, and if it stand with their liking, to be put in the Conclusion of the Petition, which he then read to them in these words:

A a 2

We

The Lords propound an Addition to the Petition of Right.

An. 1628.
The Addition.

We humbly present this Petition to your Majesty, with the care, not only of preserving our own Liberties, but with due regard to leave intire that Sovereign Power wherewith your Majesty is trusted for the Protection, Safety and Happiness of the People.

He said, this is what the Lords present to them, and desire they would speedily consider of it.

This Addition produced several Speeches.

Mr. Alford.

Let us look into Records, and see what Sovereign Power is: *Bodin* saith, That it is free from any Condition: Let us give to the King what the Law gives him, and no more.

Mr. Pym.

I know not what this Sovereign Power is; it seems a distinct Power from the Power of the Law; and we cannot leave him Sovereign Power, for we never were possessed of it.

Mr. Hackwell.

These words are applicable to all the Parts of our Petition; It's in the nature of a Saving, as if we had incroached upon his Prerogative. I never saw a Saving of this nature, in a Petition where the Subject claim'd a Right.

Sir E. Cook.

This is *Magnum in parvo*, and will overthrow all our Petition: It trenches to all Parts of it; never was such a Saving of Sovereign Power in any Petition. Sovereign Power is no Parliamentary Word; it weakens *Magna Charta*, and all our Statutes. *Magna Charta* is such a Fellow, he will have no Sovereign: Power is taken for a Power with Force; it is repugnant to our Petition of Right, grounded on Acts of Parliament. Our Predecessors could never indure a *salvo jure suo*.

Sir Thomas
Wentworth.

If we admit of this Addition, we shall leave the Subject worse than we found him; our Laws are not acquainted with Sovereign Power; we may not recede from this Petition, either in part or in whole.

Mr. Noy.

These words are not only of a doubtful construction, but words unknown to us, never us'd in any Act or Petition before.

We

We have many Petitions and Bills of Parliament in all Ages, in which no such thing is added: That Clause of 28 E. 1. was not in the Petition, but in the King's Answer. In *Magna Charta*, in the Articles of King John, in the Petition against Loans, 25 E. 3. in the Petitions of 5, 28, 36, 37, and 42 of E. 3. there is no Saving. In the Statutes of *confirmatio Chartarum* there is a Saving *pur file Maryer*, and *pur faire fitz Chivalier*, and for Ransom; but these three Aids were well known. Shall we say, We are not to be imprisoned but by the King's Sovereign Power? If my Lands be seized into the King's Hands; and I bring a *Monstrance de droit*, setting forth my own Right and Title, and withal set down a Saving, that I leave his Majesty's Right intire, it would be improper. The Saving in 28 E. 1. *Salvo jure Corona Regis*, was added in the Proclamation, but was not in the Bill. And when the People heard it proclaim'd in London, with this Clause at the end, they fell into an execration for that Addition, and it was cleared the next Parliament.

Afterwards at a Conference the Lords gave their Reasons to fortify their Additions. The Lord Keeper said, That the Lords were agreed to defend the just Liberty of the Subject, and the just Power of the Crown: That by the word [Leave] they meant to give nothing new. As for Sovereign Power, as he is a King he is a Sovereign, and must have Power, and they are easier words than [Prerogative]: As for the word [that] it refers to that Power which is for the Safety of the People. *Magna Charta* ('tis true) is without a Saving; but here the words of *Magna Charta* are not pursued, therefore an Addition is necessary. And in 28 E. 1. there was a Saving of the Seigniorie of the Crown; and the Speaker in his Speech said, they had not a thought to incroach on the King's Sovereignty; Why then may it not be added in this Petition?

The Lords Reasons for their Additions.

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Mr. Maſon.

This being reported to the House, Mr. *Maſon* ſpoke to this effect; That in their Petition of Right they had expreſſed the Breach of ſeveral Laws touching the Subject's Liberty and Property: That (as the Lord Keeper did) he would take the words of this Addition apart: The word [Leave] is the ſame with [Saving] and will imply that ſomething is to be left of what was deſired. The word [Intire] is conſiderable. *William* the Conqueror claiming by Conqueſt, *Magna Charta*, and other Statutes, were made to limit that Power. *Suarez* a Jeſuit, in his firſt Book *de Legibus*, cap. 17. ſaith, The enlarging and reſtraining the King's Power in things not unlawful, depends upon the Compact made between King and People. That the King of *Spain* could not now impoſe Tribute without the conſent of his People, becauſe about 200 Years ſince it was ſo concluded between them. Now the Statutes in our Petition reſtraining that Abſolute Power of Conqueror, if we ſay we leave the Sovereign Power intire, we take away that Reſtraint, and ſet at liberty the Claim of the Sovereign Power of a Conqueror. By the Particle [that] ſay the Lords, no Sovereign Power is left but that where-with the King is truſted for our Protection, Safety and Happineſs: whereas all Sovereign Power is for the Protection, Safety and Happineſs of the People; and conſequently all Sovereign Power is left to the King, and particularly that of impoſing Loans and Taxes. The word [truſted] is ambiguous, whether truſted by God only as a Conqueror, or by the People *ex pacto*. He ſaid, This Addition doth either refer to the Petition, or not: if it doth not, then 'tis uſeleſs; if it doth, then it refers to each part of the Petition; and ſo none ought to be compelled to make any Gift or Loan without Act of Parliament, unleſs by the Sovereign Power wherewith the King is truſted. The like of billeting Soldiers, and other Matters in the Petition. And the moſt favourable Conſtruction will be, that the King cannot imprifon or

or impose Taxes, or billet Soldiers by his ordinary Prerogative, but by his transcendent Sovereign Power, for the Protection, Safety and Happiness of his People he may : And this he the rather feared, because the late Loan and Billetting were declar'd to have been by Sovereign Power for our good. Nor are we certain that the Judges will determine the words of the King's Letter ; for they may not have capacity of Judicature, or Rules of Law to guide them in Cases of that transcendent Nature. The King's Counsel hath confessed *Magna Charta* binds his Sovereign Power ; but here is a Saving of that very Sovereign Power. To the Reasons given by the Lords ;

1. That it was their intention to maintain the just Liberty of the Subject, and not to diminish the just Power of the King : He answer'd, Their Intention was the same ; but there was a great difference between just Power limited by Laws, and Sovereign Power, which is supposed to be transcendent and boundless.

2. The King as he is King, hath Sovereign Power, and that Sovereign Power is to be left him. He said, If it should be expressed to be left, as is propos'd, it would admit some Sovereign Power in his Majesty which would frustrate their Petition, and destroy their Rights.

3. In the Statute of *Articuli super Chartas*, there is a Saving of the Seignory of the Crown. He answered, That *Magna Charta* was confirmed thirty times, and no general Saving in any of those Acts but in this only, where the King granted to the People divers Rights belonging to his Prerogative, and yet this Saving produced ill effects. But here we desire nothing of the Prerogative, but pray only the enjoyment of our proper Rights and Privileges, so that there is no cause to add any Saving.

4. We declared by our Speaker, That it was far from our Intention to incroach upon his Majesty's Prerogative ; and why should not the same Resolution be added to this Petition ? He an-

An. 1628. swer'd, That that Declaration was in answer to his Majesty's Message, That he would not have his Prerogative straitned by any new Explanation of *Magna Charta*, or the other Statutes. And his Prerogative is not straitned by this Petition, wherein is nothing concerning it, but only contains the particular Rights of the Subject.

5. That the Commons have varied in their Petition from the words of *Magna Charta*, and therefore a Saving was necessary to be added. It's answer'd, That in the Statutes of 5 E. 3. 25 E. 3. 28 E. 3. and other Statutes, whereby *Magna Charta* is confirmed the words of Explanation differ from the words of *Magna Charta* it self; and yet there is no Saving in those Statutes, much less should there be in a Petition of Right.

Mr. Glanville and Sir H. Martin manage the Conference. The Commons afterwards appointed *Mr. Glanville* as to the Legal Part, and *Sir Henry Martin* as to the Rational Part, to argue this Matter at a Conference with the Lords.

Mr. Glanville at a Conference about the Petition of Right, manages the Legal Part.] The Petition framed by the House of Commons to be presented to his Majesty, is a Petition of Right, relating nothing but Truth, desiring nothing but Justice, a Petition justly occasioned, necessary for the Times, grounded upon those solid Rocks, the Laws bounded within due Limits, and directed to right Ends, to vindicate some Liberties of the Subject from Violations past, and to secure them for the future. It consists of four Parts.

1. Concerning Levies of Mony by Loans, or otherwise, declaring that none ought, and praying that none hereafter be compelled to yield any Gift, Loan, Benevolence, Tax, or like Charge, without Act of Parliament.

2. Concerning the Liberty of the Person, that none ought to be imprisoned without Cause shew'd; and praying that Privilege for the future.

3. It declares the unlawfulness of billeting Soldiers or Mariners in the Subjects Houses against their Wills, praying Remedy.

4. Touch-

4. Touching Commissions for the Trial, Condemnation, and Execution of Persons by Martial Law, and not by the Laws of this Realm.

4 Car.

This Petition the Commons offered to their Lordships consideration, that they might join with them in presenting it to his Majesty, and it might thereby find the more easy Passage, and obtain the better Answer. That their Lordships had propounded to the Commons some few Amendments (so termed) alledging they were only Matters of Form; not of Substance, wherein the Commons observe their Lordships fair Respect to them, in voting nothing till they had imparted it to them, the Commons. And touching those propounded Alterations, the House of Commons yielded to a Change of their Petition in two Particulars, so willing were they to comply with their Lordships. For the rest of the propounded Alterations, their Lordships have relinquished them with a new Overture, for one only Clause to be added at the end of the Petition; and the only Question now is, Whether that Clause shall be received or not? Here he recited the Clause herein before mentioned, and then proceeded: He said, It was a Clause specious in shew, but dangerous in the Consequence: And the Commons apprehending it threatned ruin to the whole Petition, delivered some Reasons to their Lordships against it. To which Reasons their Lordships had offered some Answers: But the Commons are not satisfied with their Lordships Arguments, and he is commanded to shew them why they differ from them in Opinion. But he would first take notice of that wherein they all agree, *viz.* That both their Lordships and the Commons desire not to extend the Subjects Liberties beyond the due Bounds, nor to incroach upon his Majesty's Prerogative: And the Commons do protest they will seek nothing but what may be fit for Dutiful and Loyal Subjects to ask, and for a Gracious and Just King to grant. He then recapitulated their Lordships Reasons.

1. The

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1. The word [Leave] cannot give any new Thing to his Majesty.

2. [Sovereign Power] is proper enough, for as he is King, he is a Sovereign; and as he is a Sovereign, he hath Power.

3. This Sovereign Power is not absolute, but limited by the Particle [That] which restrains it to be apply'd for the Protection, Safety and Happiness of the People.

4. This Clause contains no more than what the Commons had signified by their Speaker, that they intended not to incroach upon his Majesty's Sovereign Power or Prerogative.

5. In the Petition are words of larger extent touching our Liberties, than are contain'd in the Statutes whereon it is grounded, and therefore a Saving of the King's Sovereign Power is necessary.

6. Such a Saving for the Crown is not unprecedented in a Petition from the Subject (as the Commons insisted) for the like Savings are in the Statutes of *Confirmatio Chartarum*, 25 E. 1. and *Articuli super Chartas*, 28 E. 1. He said, that peradventure in his Answer to them he should not follow the Method of their Lordships Reasons; but in some or other part of his Discourse they should find a full and satisfactory Answer to every one of them. The Reasons that are now appointed to be presented to their Lordships, are either Legal or Rational, and the first sort are allotted to his Charge. The Clause in question, if it refer not to the Petition, is needless; but if it doth, is it not then clear that it must have an operation upon the whole Petition, and all the parts of it? They cannot think their Lordships would offer them a vain thing, and therefore conclude it refers to the Petition. The Petition declares, That Levies of Mony by Loan, or otherwise, ought not to be made without Act of Parliament. But admit this Clause, and it concludes, That Loans and the like Charges cannot be rais'd without assent of Parliament, unless warranted by Sovereign Power.

Ano.

Another part of the Petition is, That the Subjects ought not to be imprisoned without Cause shewed: But by this Clause the Subject ought not to be imprisoned without Cause shewed, unless it be by Sovereign Power. In a word, this Clause would take away the Effect of every part of the Petition: For the same Exposition would be made touching Billetting of Soldiers and Mariners, and Martial Law. The Scope of this Petition is not to amend our Case, but to restore us to the same State we were in before: But admit this Clause, we shall leave the Subject in a worse Case than we found him. In this Clause there is likewise mention of a Trust reposed in his Majesty touching the use of Sovereign Power. The Trust reposed in the Kings of *England* is regulated by Law: For Example, when Statutes are made to prohibit things, not *mala in se*, but *mala quia prohibita*, under certain Penalties to the King and Informer; there the King hath a Regal and Sovereign Prerogative to grant Dispensations with a *non obstante*. But the Laws and Statutes on which this Petition is grounded, are of another nature, not Laws inflicting Penalties, but Laws declarative or positive, conferring or confirming a Right of Liberty and Freedom in the Subjects, descendible to their Posterity, over which there is no Trust repos'd in the King's Sovereign Power or Prerogative, to enable him to dispense therewith, or to take from them this their Birthright and Inheritance. But if this Clause be added to the Petition, we shall intimate to Posterity, that it was the Opinion of the Lords and Commons, That there is a Trust reposed in the King, to lay aside by his Sovereign Power, as well the Common Law, and those Statutes which confer or declare the Subjects Liberty and Property, as those other Statutes mentioned before; which Trust, should it be transmitted to a Successor of different Temper from his Majesty, might enable him to alter or dissolve the whole Frame of the Commonwealth. His next Reason was, That it is repugnant to the

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the nature of a Petition of Right, to clog it with a general Saving to the weakning of the Right demanded ; nor is there any Precedent for it. As to the Savings in the Statutes of 25 and 28 E. 1. which their Lordships insisted on, he said, They no ways sute with the matter in hand. He took notice of a difference between a Petition for the Law, and the Law ordained on such a Petition ; and between the Course held ever since 2 H. 5. and still in use ; and the Course used in framing of Statutes before that time, particularly of those two Statutes of E. 1. which was about 100 Years before 2 H. 5. besides the difference between those Savings, and the Clause now in question : Before 2 H. 5. the Course was, when the Commons were Suiters for a Law, either the Speaker by word of mouth, the Lords House joining with them, or by Bill in writing, which was called their Petition, moved the King to ordain the Law. To these Petitions the King made answer as he pleased, sometimes to Part, sometimes to the Whole ; sometimes by Denial, sometimes by Assent ; sometimes Absolutely, sometimes under Qualifications. And thereupon the Law was drawn up and ingrossed in the Statute Rolls, whereby oftentimes the Statute was framed against the Meaning of the Commons. To remedy which it was, 2 H. 5. at the Commons Petition declaring their Right, enacted, That no Law should be made with Addition or Diminution to their Petition ; and ever since the King taketh the Whole, or leaveth the Whole. From whence it may be concluded, that it doth not follow, that where before 2 H. 5. we find Savings in the Statute Roll, those Savings were in the Petition. Now as to the Saving in 25 E. 1. which was a Confirmation of *Magna Charta* ; the Statute saith, the King should take no Aids, Taxes, or Prizes of his Subjects, but by common Assent of the Realm, Saving the antient Aids and Prizes due and accustomed : But this doth not warrant the Clause in Question ; for the Body of that Law is against all Aids, Taxes and

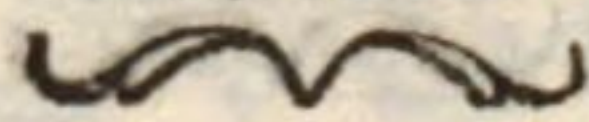
and Prizes in General; and the Office of that Saving is to exempt Particulars out of that General. The Saving here, is of the antient and accustomed Aids and Prizes which were well known in those Days. The Aids were three; From the Kings Tenants by Knights Service; to Ransom the King's Person if taken Prisoner; and to make the King's eldest Son a Knight, and marry his eldest Daughter once. And that these were the Aids excepted out of this Statute, appears by the Charter of King *John*, dated *June 15. Anno quinto*; wherein they are enumerated with exclusion of all other Aids; one of the Originals whereof he produced to their Lordships: For Prizes in a particular Right of the King, every day in usage, viz. To take one Tun of Wine before the Mast, and another behind the Mast, if the Ship bring in above twenty Tuns. But our Petition consisting altogether of Particulars, if any general Saving be annexed, it goes to all the parts of it, and must beget this dangerous Exposition, That the Rights and Liberties of the Subject, declared and demanded by this Petition, are not theirs absolutely, but *sub modo*, when the King is pleased not to exercise his Sovereign Power; and so by our own Assents we shall be Tenants at Will of our Liberties. That other Statute 28 E. 1. *Articuli super Chartas*, is likewise for the confirming *Magna Charta*, and hath two Savings, the one to preserve the antient Prizes due and accustomed, as of Wines and other Goods: The other Saving is of the Seigniorie of the Crown in all things. The first is of the same nature with that of 25 E. 1. And the [other Goods] being qualified with [antient, due, and accustomed] are not very dangerous, relating only to the old and certain Customs upon Wool, Woolfels, and Leather, which were due to the Crown long before this Statute. For the latter of these two Savings, the Histories of those Times tell us, that it gave distaste from the beginning, and wrought no good Effects; for thereby *Magna Charta* was weakned, which was clear

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clear before; and it's clearly manifest by the Frame and Context of the Act, as 'tis enter'd up on the Statute Roll, this Saving came in by the King's Answer, and was not in the Original Petition, for it comes in at the end of the Act after the words *Le Roy veut*. The next Reason he offer'd to their Lordships was, That this offensive Law of 28 E. 1. which confirmed *Magna Charta* with a Saving, rested not long in Peace; but in 33 or 34 E. 1. it was enacted, That all should enjoy their Laws, Liberties, and Free Customs, as largely and wholly as at any time before; and if any Law had been made to the contrary, it should be void. This was the first Law that restored *Magna Charta* to its Original Purity; and since it hath been confirmed above twenty times more by several Acts of Parliament, without any Savings, and so it stands now purged and exempted from any such Saving whatsoever: And shall we now annex another and worse Saving to it by an unnecessary Clause in that Petition, which we expect should have the Effect of a Law? And whereas it is urged that we should do no more now than we protested by the Mouth of our Speaker, *viz.* Not to incroach on his Majesty's Sovereign Power; He said, That was a General Answer to a General Message, warning them not to incroach on his Majesty's Prerogative. But did that Answer extend to acknowledg a Sovereign Power above the Laws and Statutes mentioned in the Petition? To illustrate the Impertinence of this Clause to be added to the Petition, he put this Case: Two Mannors, the one the King's, the other a Subject's, lie so intermixed, that the Bounds of either can hardly be discerned. The King being misinformed that the Subject hath intruded upon his Mannor, asks him, Whether he hath enter'd, or pretends any Title thereunto? The Subject truly answers, No. Afterwards the King seizeth into his Hands the Subject's Mannor. The Subject exhibiteth his Petition of Right to the King, to have Restitution, and therein

therein layeth down his Title to his own Mannor only ; Were it not absurd in that Case for him to tell the King, that he intended not to make any Claim or Title to his Majesty's Mannor, which is not question'd ? Doubtless it were. Why should we speak of leaving intire the King's Sovereign Power, whereon we incroach not, while we only seek to recover our own Liberties ? Such a Clause would argue a Fear in us, as if we had invaded it. And if the word [Leave] gives not any new Thing to the King, yet it may amount to an Acknowledgment of an old Right of Sovereign Power above the Laws and Statutes, whereon our Liberties are founded : And if a Saving of his Majesty's Sovereign Power be necessary, in respect the Petition runneth in larger Words than the Laws and Statutes whereon it is grounded ; how can that stand with what their Lordships say, That it should be of no other Effect than the Commons former Expressions by the Mouth of their Speaker ? But altho the words are larger in the Petition, yet they are within the Equity of the Statutes. And the Statutes of E. 3. for explanation of *Magna Charta*, tho they differ in words from it, had no Saving annexed to them : And yet *per legale judicium parium suorum, aut per legem terræ*, is by those latter Statutes expounded without Presentment, or Matter of Record, or by due Process or Writ Original. If therefore they do not in their Petition exceed the true Sense of *Magna Charta*, what reason is there then to add a Saving ?

Sir *Henry Martin* took up the Argument as to Sir Hen. Martin the Rational Part : He said, This Additional the Rational Clause is true in the nature of a Proposition, That Part. we will have special and singular regard to leave entire the Sovereign Power ; but as 'tis here placed, it intimates that we had first cropt it, and then left it : That they had that very Session taken an Oath, declaring the King to be Supreme Governor in all Causes, &c. And that they will assist and defend all Jurisdictions, Privileges and Authorities

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at

at the same time (for there is no *prius* or *posterius* in a Session of Parliament) they had obliged themselves by a fearful Adjuration, to assist and defend all Privileges and Prerogatives belonging to the King. He said, The Commons had furnished him with some Reasons for their Lordships absolute conjunction with them in presenting this Petition.

1. *A Personis.* The Petitioners are the House of Commons, whose Temper, Mildness, and Moderation in this Parliament hath been such, that we ought to acknowledg the good Hand of Almighty God upon us. This Moderation will appear, if it be remembred in what Passion and Distemper many Members of that House came thither, what Pockets full of Complaints and Grievances the most brought thither, and those every day renewed by Letters and Packets from all Parts; and yet their Moderation overcame their Passion, their Discretion their Affection: or if it be not forgotten how their Ancestors and Predecessors carried themselves in Parliaments, when upon lighter Provocations, less would not serve them, than severe Commissions to punish Offences against their Liberties, and publick Ecclesiastical Curses or Excommunication against the Authors or Actors of such Violations. But here the Commons look forward, not backward, desire Amendment, and no Man's Punishment; nay, not one word spoken against any Man's Person in disgrace. The End of their Petition is, that they may be better treated in time to come; higher they rise not, and lower they cannot descend.

2. *A Tempore:* The Time is not seasonable for this Addition. 'Tis true, Sovereign Power is so Sacred, that to handle it otherwise than tenderly, is a kind of Sacrilege, and to speak of it otherwise than reverently, is a kind of Blasphemy; but every vulgar Capacity is not so affected. The Sovereign Power hath not now, for the present, the antient amiable aspect, in respect of some late sad Influences. To intermix with this Petition

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any mention of Sovereign Power, when angry Men say, That Sovereign Power hath been abus'd, and the most moderate wish it had not been so used; they hold it not seasonable.

3. *A Loco.* The Place where this Addition is inserted in the Petition, is inconvenient; for every Man will desire to see what their Knights and Burgeses have done in Parliament upon their Complaints, and what they have brought home for their Five Subsidies. And when they fall upon the mention of Sovereign Power, they presently fall to arguing and reasoning what Sovereign Power is, and its Extent and Bounds, with other curious Questions, by which course it's little advanced; for it's best with Sovereign Power, when 'tis held in tacite Veneration.

4. In respect of their Duty and Loyalty to his Majesty, lest by taking in this Addition, they should do him some disservice. They are the Commons, who best know the State of the several Parts for which they serve, their Dispositions and Inclinations, their Apprehensions, Fears and Jealousies. And here he craved leave to use the Figure *Reticentia*, to intimate more than he would speak. The principal End of this Parliament is to make up all Rents and Breaches between the King and his Subjects. How improper will this Addition be in respect of this End? And shall we hazard an End of such unspeakable Consequence, upon the admittance of this Addition? the omission whereof cannot hurt the King's Prerogative, but the Expressions therein may produce manifold Inconveniences.

Both Houses
agreed touching
the Petition of
Right.

May 26. The Lord Keeper at a Conference acquainted the Commons, That since the last Conference, the Lords had unanimously agreed with them about the Petition *in omnibus*, with the only Alterations of the word [*Pretext*] and the word [*Means*] to be put instead thereof, and in the place of the word [*Unlawful*] to put in the words [*not Warrantable by the Laws and Statutes of the Realm*]. To which two Alterations they themselves

selves had before consented: So that all that remains is for the Commons to vote it (if they had not already) as the Lords had done, and to prepare it for his Majesty, and their Lordships would take care that the King be moved for a speedy Access. One thing more the Lords had commanded him to add, That whereas the Petition toucheth upon certain Charges raised by the Lords Lieutenants and others many times, for the Service and Safety of the Kingdom; they are desired to provide a Law for asselling such Charges.

The Lords and Commons being thus agreed, the Petition with the Amendments, was read in the Commons House two several times together, then ingrossed; and the House sate in the Afternoon till it was ingrossed, read, and ordered to be presented to the King, to which there was not a Negative Vote. The Bill of Subsidies was also read the second time and committed: And it was agreed that no Addition or Preface be used at the delivery of the Petition, only his Gracious Answer be desired.

About this time Mr. Rouse brought into the House a Charge against Dr. Edw. Manwaring, which (he said) consisted of many Charges; The main was, that he endeavoured to alter and subvert the Frame and Fabrick of this State and Commonwealth.

*Mr. Rouse his
Charge against
Dr. Ed. Man-
waring.*

To this end, 1. He labours to infuse into the Conscience of his Majesty, the perswasion of a Power not bounded with Laws, which King James in his Speech to the Parliament called *Tyranny*, accompanied with *Perjury*.

2. He endeavours to perswade the Conscience of the Subjects, that they are bound to obey illegal Commands under pain of Damnation.

3. He robs the Subjects of the Property of their Goods.

4. He brands them that will not part with this Property with scandalous Speeches and odious Titles. And,

Bb 2

5. Like

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5. Like *Faux*, he seeks to blow up Parliaments and Parliamentary Power.

Here he read several Passages out of his Book. He observed, 1. The Time when this Doctrine was preached, in the very Heart of the Loan, and printed in the beginning of that Term, which ended in a *Remittitur*. And it was but a Year after an Assent in Parliament to Four Subsidies and Three Fifteens, which might have served for a Stopple to the Doctor's Mouth, to keep in his Doctrine of Necessity. 2. The Means by which he would destroy the King and Kingdom, Divinity: The King, by allowing to him a Participation of Omnipotence, than which nothing is more mischievous to Kings; and the Kingdom, to destroy whom he hath gone to Hell for his Divinity, and hath quoted several Jesuits and Friars, in which likewise he hath used divers Shifts and Falshoods. *Samuel* laid up the Book of the Law before the Lord, but this Man tears the Books of our Law in pieces, and that in the presence of the Lord in a Pulpit.

Le Brun's Examination touching the Behaviour of the Fleet under the Earl of Denbigh.

Both Houses agreed touching the Petition of Right.

About this time the Mayor of *Plymouth* certified to the Burgesses serving for that Town in Parliament, the Examination of *Le Brun* a Frenchman, Captain of the *Mary* of *Roche*, taken May 16. 1628. That the first instant the *English* Fleet under the Earl of *Denbigh*, came to Anchor at *Charleboyn* in *Roche*-Road, where they found twenty sail of the King of *France* his Ships, whereof Six were of about 300 Tuns, the rest small Ships, who all anchored within two Cannon shot of the *English* Fleet; that one of the *English* Ships shot off one piece of Ordnance and no more: And the *French* Ships as they returned shot often at the *English* Fleet, who sent a Wherry into the Town to enquire of their Condition; and if they arriv'd safe, to make a Fire upon one of the Towers; which they did, and so many Fires upon the Walls, but to that they made no answer. That the *English* promised to sink the *French* Ships when the Waters increased: But when they increased, they

they refused to fight with them, and came away without fighting or relieving the Town: Four of the *French* Ships coming after them, and shooting divers times at them, and the *English* shooting at them again.

Whereupon the Privy Council, *May* 30. 1628. writ to the Duke, to signify to the Earl of *Denbigh*, It was his Majesty's pleasure he returned back to relieve *Rochel*, and to let him know, Order was taken for victualling the Fleet; and if any Ships should be left behind, he was to leave Order for their speedy following him.

The Council's Order thereupon.

June 2. The King came to the Parliament, and told them, He was come thither to perform his Duty; and no Man could think it long, he not having taken so many Days in answering the Petition, as they were Weeks in framing it.

The King's Speech at his passing the Petition of Right.

Then the Lord Keeper spake to this effect, That his Majesty takes it in good part, that both Houses had professed they had no intention to diminish his Prerogative. That his Majesty is come to subscribe a firm League with his People; that so their Liberties may strengthen his Prerogative, and his Prerogative may be a defence of their Liberties. All that remains is, That they hear read their own Petition, and his Majesty's Gracious Answer.

And Lord Keeper's.

The Petition was from the Lords Spiritual and Temporal, and Commons in Parliament, and directed to the King's most Excellent Majesty, and was to this effect:

The Petition it self.

That whereas by the Statute of *E. 1. de Tallagio non concedendo*, it was enacted, That no Tallage, or Aid, should be levied by the King or his Heirs, without the Assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgeses and Freemen of the Commonalty: And by the Statute of 25 *E. 3.* That none should be compelled to make any Loans to the King: And by other Statutes, That none should be charged by any Tax or Imposition, call'd a *Benevolence*, nor by such like Charge: By which Statutes the Subjects in-

herited

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herited this freedom, That they should not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not set by common Consent in Parliament. Yet of late divers Commissions had been directed to Commissioners in several Counties, and the People required to lend certain Sums of Mony, and upon refusal had an Oath administred to them contrary to Law, and have been constrained to become bound to appear and attend before the Privy Council; and others have been therefore imprison'd, confined, and otherwise molested and disquieted. And other Charges have been laid and levied in several Counties, by Lords Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace, and others, by Command or Direction of his Majesty or Privy Council, contrary to Law.

And whereas by the Statute, called, *The Great Charter of the Liberties of England*, it is declared and enacted, That no Freeman may be taken or imprisoned, or disseized of his Freehold, Liberties, or Free Customs; or Outlaw'd, Exil'd or Destroy'd, but by the lawful Judgment of his Peers, or by the Law of the Land. And by the Statute of 28 E. 3. That no Man should be put out of his Land and Tenements, nor taken, imprisoned, or disherited, or put to death, without being brought to answer by due Process of Law: Yet divers Subjects have been imprisoned without Cause shewed. And when they brought their Writs of *Habeas Corpus*, tho no Cause was certified, but that they were detain'd by his Majesty's Command signified by the Lords of the Privy Council, they were returned back to several Prisons, without being charged with any thing.

And whereas of late great Companies of Soldiers and Mariners have been dispersed into divers Counties, and the Inhabitants against their Wills have been compelled to receive them into their Houses, and there to suffer them to sojourn, contrary to Law.

And

And whereas by the Statute of 25 E. 3. no Man shall be forejudged of Life or Limb against the Form of the Great Charter, and the Law of the Land. And by the said Great Charter and other Statutes, no Man ought to be adjudged to Death, but by the Law establish'd in the Realm, by Custom or Act of Parliament, and no Offender whatsoever is exempted from the Punishments to be inflicted by the Laws of this Realm. Nevertheless of late divers Commissions under the Great Seal have issued and proceeded according to Martial Law, against Soldiers, Mariners, and other dissolute Persons joining with them, for Murder, Robbery, Felony, Mutiny, or other Outrage or Misdemeanor, by such summary Course and Order as is agreeable to Martial Law, used in Armys in time of War; and to try, condemn, and execute them; on pretext whereof some had been put to Death, and other great Offenders had escaped, for that the Ministers of Justice refused to proceed against them, on pretence they were punishable by Martial Law; which Commissions are contrary to the Laws of this Realm.

They humbly prayed his Majesty, That no Man hereafter be compelled to take or yield any Gift, Loan, Benevolence, Tax, or such-like Charge, without common Consent by Act of Parliament. And that none be called to make answer, or take such Oath, or give Attendance, or be confined, or otherwise molested, or disquieted concerning the same, or for refusal thereof. And that no Freeman in any such manner as aforesaid, be imprisoned or detained. That his Majesty would remove the said Soldiers and Mariners, and that none may be so burdened in time to come. That the Commissions for Martial Law be null, and there be no such Issue for the future. And his Majesty would declare, That the Doings and Proceedings aforesaid shall not be drawn into Example, but that his Officers and Ministers shall serve him according to the Laws of this Realm.

The Prayer.

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Which Petition being read the said 2d of June, the King's Answer was this :

The King's
Answer.

The King willeth, That Right be done according to the Laws and Customs of the Realm. And that the Statutes be put in due execution, that the Subjects may have no cause to complain of any Wrong or Oppressions, contrary to their just Rights and Liberties; to the preservation whereof he holds himself in Conscience as well obliged, as of his Prerogative.

Read and debated.

June 3. The King's Answer was read in the House of Commons, and seemed too scant in respect of so much Time and Labour spent in contriving it. Whereupon Sir John Elliot made a long Speech, wherein he gave so full and lively a representation of all Grievances, as if they had never before been mention'd.

Sir Joh. Elliot's
Speech, laying
open Grievances.

He reduced the Cause of them to five Heads.

1. Our insincerity and doubling in Religion, by the increase of Papists, by the colourable composition with them in the North, by the Commanders and Officers imploy'd here and in Ireland.

2. Our want of Counsel, which sacrificed our Honour; and our Men sent to the *Palatinate* in vain: this gave direction to the Expedition to *Ree*, whose Wounds are yet bleeding, insomuch as it may rather be thought a Conception of *Spain*, than begotten here by us.

3. The insufficiency and unfaithfulness of our Generals: Witness our Expedition to *Cales*, where we found a Conquest ready, the Spanish Ships sufficient to have satisfy'd for the Voyage in point of Honour and Profit; and granted on all hands feasible. Witness that to *Ree*, where the whole Action was carried against the Judgment and Opinion of the Officers that were of the Council, and (what *Alexander* and *Cesar* never knew) the Enemy enrich'd by Courtesies. Witness the last Voyage to *Rochele*, which is fresh in memory.

4. The

4. The Ignorance and Corruption of our Ministers; the Court, the Church, the Bench, &c. The *Exchequer* empty, the antient Lands sold, the Jewels pawned, the Plate ingaged, and the Debt still great.

5. The Oppression and Weakning of the Subject: Witness the Voyage to *Algier*, that of *Mansfield*, that to *Cales*, that to *Rec*, the *Palatinate*; *Turks*, *Dunkirkers*, &c. These are our Dangers, and are like the *Trojan Horse*, brought in cunningly to surprize us, and leave us no means of Refuge or Defence; for if we have these Enemies at home, how can we strive with those abroad? These things he moved them to take into their consideration, and truly to represent them to the King, and to that end they might be drawn into the Body of a Remonstrance.

It seemed to others not futable to the Wisdom of the House in that Conjunction to recapitulate those Misfortunes; and these were for petitioning his Majesty for a fuller Answer.

Sir *Henry Martin* intimated, that this Speech of Sir *John Elliot* proceeded from disaffection to his Majesty. But Sir *John* protested to the contrary, and that himself and others had only waited for an Opportunity to open their Grievances; which was attested by Sir *Thomas Wentworth* and Sir *Robert Philips*. And he being questioned by Sir *Humphrey May* for saying, That some Actions seemed to be the Conceptions of *Spain*: He explained himself, that he meant it in respect of the Affair of *Denmark*, and the unfortunate Accident at *Ree*.

It was propounded by Sir *Edward Cook*, That an humble Remonstrance be presented to his Majesty, touching the Dangers and Means of Safety of King and Kingdom. Which Resolution was taken, and the House thereupon turned themselves into a Grand Committee.

A Message was sent from the King by the Speaker, That now his Majesty had given them to their Petition an Answer full of Justice and Grace,

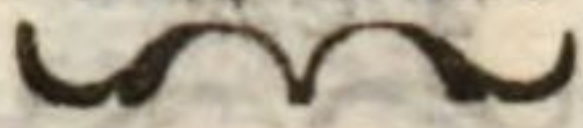
The Commons
Declaration
King Dr.
Mansfield

Some against
recapitulating
Grievances.

Exceptions to
Sir J. Elliot's
Speech.

A Message
from the King
for ending this
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Grace, by which he resolves to abide without further Change or Alteration; He let them know, that he resolves to end this Session on *Wednesday* the 11th instant, and therefore wished them seriously to attend their Business, that this Session may be brought to a happy conclusion.

After the reading this Message, the House proceeded with their Declaration against Dr. *Manwaring*, which was presented to the Lords at a Conference by Mr. *Pym*, who manag'd that Conference for the Commons; which Declaration was to this effect:

*The Commons
Declaration a-
gainst Dr.
Manwaring.*

That the Commons in Parliament assembled do by this their Bill shew and declare against *Roger Manwaring* Clerk, Doctor in Divinity, That whereas by the Laws of this Realm, the free Subjects of *England* are not to be compelled to contribute any Tax, Tallage, Aid; or to make any Loans, not set or imposed by common Consent in Parliament. And divers relying thereupon, refused to lend such Sums of Mony, as without Authority of Parliament were required of them. Notwithstanding which the said *R. Manwaring*, in contempt of the Laws, hath lately preached in his Majesty's presence two Sermons; which he hath since printed in a Book, intituled, *Religion and Allegiance*; with a wicked and malicious Intention, to misguide the Conscience of his Majesty, to incense him against the Subjects refusing to lend; to subvert the High Court of Parliament, and to cause Jealousies and Sedition in the Kingdom. And the said *Roger Manwaring* hath therein endeavour'd to perswade his Majesty:

1. That his Majesty is not bound to observe the Laws and Customs concerning the Rights and Liberties of the Subjects. And that his Royal Will and Command in imposing Loans, Taxes, and other Aids upon his People, without common Consent in Parliament, doth so far bind the Subjects Consciences, that they cannot refuse the same on peril of Eternal Damnation.

2. That

2. That those who refused the Loan, did offend against the Laws of God, and against the King's Supreme Authority, and so became guilty of Impiety, Disloyalty, Rebellion and Disobedience.

3. That the Authority of Parliaments is not necessary for the raising of Aids and Subsidies; and that their slow Proceedings are not fit for the Supply of the State's Necessities, but produce Impediments to the just Designs of Princes. All which the Commons are ready to prove, by several Clauses and Sentences therein contained. And the said *Roger Manwaring* did thereby abuse his Holy Function, and hath offended against the King's Crown and Dignity, and the good Government of this Commonwealth. And the Commons pray the said *Roger Manwaring* may be put to answer the Premises.

This Declaration ingrossed in Parliament, being read, Mr. *Pym* thus addressed himself to the Lords.

That he should speak to this Cause with the more confidence, considering that the Offences were of a high Nature, and of easy Proof: Considering that their Lordships were the Judges, and that the King our Sovereign, in his Answer to the Petition of Right, declares, That he held himself bound in Conscience to preserve those Liberties which this Man would perswade him to impeach. He first opened the Preamble, and deduced thence three Positions.

*Mr. Pym's
Speech at the
delivery thereof
to the Lords.*

1. That the Government in any State, could not be altered without apparent danger of Ruin; for if the Relation and Intercourse between the Members thereof be broken, the whole Frame will quickly be dissolved; and when one part seeks to uphold the old Form of Government, and another to introduce a new, they will miserably devour one another.

2. That the Law of *England*, whereby the Subject is exempted from Taxes and Loans, not granted by common Consent of Parliament, was not introduced by any Statute or Charter, but was

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was the Ancient and Fundamental Law issuing from the first Frame and Constitution of the Kingdom. Plain Footsteps of which Laws appeared in the Government of the *Saxons*, being of such vigour, as to over-live the Conquest, and give Bounds to the Conqueror, who confirmed them by Oath at his Coronation.

3. That the Liberty of the Subject, as 'tis Profitable for the People, so 'tis Honourable and Necessary for the King, particularly in the Point of Supplies; for if those Liberties were taken away, there would remain no more Industry, no more Justice, no more Courage; for who would contend for that which is not his own? He desir'd their Lordships to remember, what Prerogatives the Law had appointed for the support of Sovereignty, as Wardships, Treasures, Trove, Felons Goods, Fines, Amercements, and other Issues of Courts, Wrecks, Escheats, and several others, which are now for the most part by Charters and Grants of several Princes, dispersed into the hands of private Persons; and of the Antient Demeasnes of the Crown, very few remain at this Day in the King's Possession. Since which the Revenue hath been supply'd by Attainders, Dissolution of Monasteries and Chantries, and other Casualties, besides the Acts of Tunnage and Poundage. And all these are now so alienated, anticipated, and overcharged, that no Means is left for a Supply, but the free Gift of the Subjects in Parliament. In his entrance into the Body of the Charge, he observed the Doctor's malicious and wicked Intention, to misguide the Conscience of the King, to incense him against his Subjects, to subvert the Government and Authority of Parliaments; to avert him from calling Parliaments, and to raise Jealousies and Sedition.

He divided the Materials of the Charge into three Articles.

1. The first comprehending two Clauses.

(1.) That his Majesty is not bound to observe the Laws of the Realm, concerning the Right
and

and Liberty of the Subject, to be exempted from Loans, Taxes, Aids, laid upon them without common consent in Parliament.

(2.) That his Majesty's Command in imposing any Charges upon his Subjects without such Consent, doth so far bind their Consciences, that they cannot refuse them, without peril of Eternal Damnation. Two kinds of Proof were produced upon this Article, *viz.* Some Assertions of the Doctor's concerning the Powers of Kings in general, but by consequence to be applied to the King of *England*; and his Censures and Determinations upon the particular Case of the late Loan. Here he resorted to his Paper, wherein the Places were carefully extracted out of the Book it self, and distinctly read them. If to give the King ill Counsel in some one particular, hath been heavily punished in this High Court; How much more heinous must it be, by ill Counsel, to pervert and seduce his Majesty's Conscience? If *Scandalum Magnatum*, Slander and Infamy cast upon great Lords and Officers, have been severely censured, how much more tender ought we to be of that Slander and Infamy which is cast upon the Laws and Government?

2. The 2^d Article, he said, contained 3 Clauses.

(1.) That these Refusers had offended against the Law of God. (2.) Against the Supreme Authority. (3.) By so doing they were become guilty of Impiety, Disloyalty and Rebellion..

He gave their Lordships an account of the Stains and odious Comparisons which he had put upon them. 1. His first Comparison was with Popish Recusants; nay, he makes them the worst of the two, and gives them the new name of *Temporal Recusants*: They (said he) alone have inherited that Name for their disobedience in Spirituals; but we must needs be argued of less Conscience, and more Ingratitude to God and the King, if in temporal things we obey not. 2. His next Comparison was with *Turks* and *Jews*; what a *Turk* will do for a *Christian*, a *Christian* for a *Turk*, and a *Jew*

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Few for both, *Christians* now deny to do for a Christian King. 3. His third Comparison was with *Corah*, *Dathan*, and *Abiram*, whom for their murmuring, God suddenly sunk into Hell-fire; and *Theudas* and *Judas*, the two Incendiaries of the People in the days of *Cesar's* Tribute.

3. The third Article of the Charge contained these Clauses.

(1.) That the Authority of Parliament is not necessary for the raising of Aids and Subsidies; for they were not ordained to contribute any Right to Kings, to challenge tributary Aids and subsidiary Helps, those being their proper Inheritance annexed to their Imperial Crowns, but for the more equal imposing them, and more easy collecting them: And if the Prince upon urgent Necessity requires such Aids (a proportionable respect being had to the Ability of the Persons charg'd, and the Sum required not too remarkably surmounting the Charge for which it was levied) no Man can refuse to satisfy such Demands, without resisting the Ordinance of God, and receiving to himself Damnation. (2.) That the slow Proceedings of Parliaments are not fit to supply the urgent Necessity of the State, but are apt to hinder the just Designs of Princes; for those pressing Necessities cannot stay for the Motion of so vast a Body, nor abide their long and pausing Deliberations, nor stand upon the answering those jealous and overwary Cautions and Objections made by some. For these things he produced the Doctor's first Sermon: He said, the Doctor had provided three Excuses whereby to justify himself. 1. That the Absolute Power he attributed to the King was upon urgent Necessity. 2. That the Sum required must be proportionable to the Parties Ability, and the Occasion. 3. He said, not the Substance of the National Laws might be omitted or neglected, but the Circumstances only. To which he answer'd,

1. That it is all one to leave the Power Absolute, and to leave the Judgment Arbitrary, when

to execute that Power ; for 'tis left to the King alone to determine what is Urgent Necessity, what is a Just Proportion, both in respect of the Ability and Occasion, and what shall be call'd a Circumstance, and what the Substance of the Law.

2. As to urgent Necessity, it appears by the Commentaries of *Guilme Fermie*, That the Dutchy of *Normandy* complaining to *Lewis* the 10th of some Oppressions, the King by his Charter, in 1314, granted, That from thence-forward they should be free from all Subsidies and Exactions to be imposed by him and his Successors ; yet with this Clause, *Si necessitie grand ne le requieret*, which small Exception hath devoured all their Immunities, and the King makes what Levies he pleases.

3. It will appear by observing the Places cited, that by the word [Circumstance] the Doctor intends the very Assembly of Parliaments, and Assent of the People. He urged four Circumstances of Aggravation against the Doctor.

(1.) From the Place where these Sermons were preached, the Court, whereof there could be no End but his own Preferment, or extreme Malice in adding to the Pressures of those who then lay under his Majesty's Wrath, disgraced and imprisoned.

(2.) From his Holy Function : He is a Preacher of God's Word, but he hath made that his War-rant for Violence and Oppression. He is a Messenger of Peace, but he hath endeavoured to sow Strife and Dissension between the King and his People. He is a Spiritual Father, but he hath given his Children Stones instead of Bread. He is a Minister of the Church of *England*, but he hath acted the part of a *Romish* Jesuit.

(3.) From the Quality of his Authors, Friars and Jesuits, and his fraudulent citing them to Purposes quite different from their Meanings : And most of his places are such as were intended concerning Absolute Monarchies, not regulated by Laws or Contracts between the King and his People. And in answer to all Authorities of this kind, were

An. 1628. were alledged certain Passages in King James's Speech to both Houses 1609. In the 27th Page of his first Sermon, the Doctor cites *Suarez de Legibus*, lib. 5. cap. 17. to prove the Peoples Acceptance not necessary, neither by the Law of Nature or Nations, nor of Common Right: The Jesuit adds, *neque ex antiquo jure Hispania*; but this is left out by the Doctor, lest we should inquire into this *Antiquum jus Hispania*: for it might have been learned from another place of the same Author, that the People had it granted them by one of their Kings, That no Tribute should be imposed on them without their Consent. Another of his Frauds in perverting his Authors, is in the 20th Page of his first Sermon, where he applies a Passage of *Suarez de Legibus*, lib. 5. cap. 15. fol. 300. whereby it plainly appears the Jesuit intends only that Tribute which he calls *Tributum reale* (which is no more than a Fee-Farm Rent reserved by the King, upon the Grant of some of his Lands to a Subject) to all kinds of Tribute imposed upon the Goods of the Subjects, wherein the King had no Interest at all.

(4.) From his Behaviour since his Sermons were questioned in Parliament; for on the 4th day of *May* last he preached the same Doctrine in his own Parish Church of *St. Giles*, where he affirm'd, That the King had a Right to order all; and if the Subject did not supply the King when he required it in time of Necessity, the King might justly avenge it: And that the Property of Lands and Goods was ordinarily in the Subject, but in case of need the King had Right to dispose of them. *Mr. Pym* said, It was a great Presumption for a private Divine, to debate the Right and Power of the King.

Lastly, He produced some Precedents to testify what the Opinion of our Ancestors would have been in such a Case as this, *viz.* The Statute of *Westm.* 1. cap. 33. against such as sow Discord by false News. 27 *E. 3. Rot. Parl. n. 20.* A Proclamation against such as reported, That the King would
not

not observe the great Charter. 5 E. 2. Henry de Beamond for giving the King ill Counsel, was put from the Council, and the King's Presence. 19 E. 2. Clause Minidors. Commissions were granted to inquire upon the said Statute of W. 1. of spreading false News. 10 E. 3. Clause M. 26. Proclamations went out to arrest them, who had reported the King would lay new Duties upon Wool. 12 E. 3. Rot. Almanie. The King writ to the Archbishop of Canterbury, excusing himself for some Impositions he had laid, professed his Sorrow, and desired the People would pray for him. He cited a Book, called *Pupilla Oculi*, for the Instruction of Confessors, where all the Articles of *Magna Charta* were inserted, as necessary to be known by those who heard Confessions. And the Proclamation of 3 Jac. for burning Dr. Cowel's Book, for mistaking the Fundamental Constitution of the Kingdom, and speaking irreverently of the Common Law. He concluded, that such a Preacher and such Doctrine as this, would have been held most strange and abominable in all those Times. He prayed, they might have Liberty to add and reply, and the Doctor might be brought to Examination and Judgment.

Not long after the Commons by their Speaker demanded Judgment of the Lords against Dr. Manwaring, who not accounting his Submission with Tears a sufficient Satisfaction, gave this Sentence.

1. That he should be imprisoned during the Pleasure of the House.
2. Fined 1000 l. to the King.
3. To make such Submission to both Houses, as should be set down by a Committee in Writing.
4. Suspended three Years from the Exercise of the Ministry, and a preaching Minister provided by the Ecclesiastical Jurisdiction, to serve the Cure.
5. Disabled hereafter to have any Ecclesiastical Dignity, or Secular Office.
6. For ever disabled to preach at Court.
7. That his Book is worthy to be burnt, and his Majesty to be moved to issue out his Proclamation for that purpose.

The Lords give Judgment against Dr. Manwaring.

An. 1628.

Dr. Manwaring
his Submission.

Dr. Manwaring's Submission was in these words :

May it please this Honourable House, I do here, in all sorrow of Heart and true Repentance, acknowledge the many Errors and Indiscretions which I have committed in preaching and publishing those two Sermons of mine, which I called Religion and Allegiance; and my great Fault in falling upon this Theme again, and handling the same rashly and unadvisedly in my own Parish Church of St. Giles in the Fields, the 4th of May last past. I do humbly acknowledg those three Sermons to have been full of many dangerous Passages, Inferences, and scandalous Aspersions in most parts of the same. And I do humbly acknowledg the Justice of this Honourable House in that Judgment and Sentence passed upon me for my Great Offence: And I do from the bottom of my Heart, crave pardon of God, the King, and this Honourable House; and the Church, and this Commonwealth in general, and those worthy Persons adjudged to be reflected upon by me in particular, for these great Errors and Offences.

Roger Manwaring.

Another Mes-
sage from the
King.

June 5. The King sent another Message by the Speaker, wishing them to remember the Message he last sent them, by which he set a Day for the End of this Session, which he would certainly hold prefixed without alteration; and required them not to enter upon any new Business, or upon what may lay a Scandal upon the Government or Ministers.

Sir Robert
Philips.

When I consider with what Moderation we have proceeded, I cannot but wonder to see the miserable Strait we are now in: What did we aim at, but to have served his Majesty, and to have made him a King Great and Glorious? Our purpose was not to lay any aspersion on the Government, but to give his Majesty a true Information of his and our Danger: Let us still make a fair Declaration to the King.

I doubt some Misrepresentation to his Majesty hath drawn this Mark of his Displeasure upon us. 'Tis conceived we were about to lay some Aspersions on the Government, whereas we desire only to vindicate some Dishonours to our King and Country. It's said as if we cast Aspersions on his Majesty's Ministers: But I am confident no Minister how dear soever can —

Here the Speaker started up from the Chair, thinking he intended to fall upon the Duke, &c. and said, There is a Command laid upon me, that I must require you not to proceed. Whereupon Sir John Elliot sat down.

Must we not proceed? Let us sit in silence, we are miserable. Sir Dudley Diggs.

Hereupon there was a Silence in the House for a while, which was broken by Sir Nathaniel Rich.

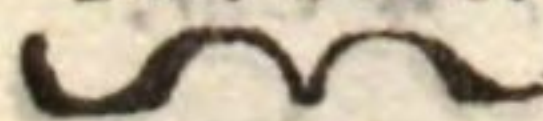
We must now speak, or for ever hold our Peace. Silence may be more for our Security, but not for the Security of those for whom we serve. Let us go to the Lords and shew our Dangers, that we may go to the King together. Sir Nat. Rich.

Others feared Sir John Elliot's late Speech had offended his Majesty: Whereupon the House declared, That every Member was free from any undutiful Speech from the beginning of the Parliament to that Day. And the House turning into a Grand Committee, to consider of the Safety of the Kingdom, the Speaker desired leave to go forth; which was granted, and Mr. Whitby took the Chair. The Commons declare no undutiful Speech had been spoken.

Two ways are propounded, To go to the Lords or to the King; I think it is fit we go to the King, and make a Remonstrance of our Rights. Mr. Wandesford.

We have dealt with that Moderation, that never was the like after such a Violation of our Liberties. 30 E. 3. The Parliament accused John de Gaunt the King's Son, Lord Latimer, and Lord Nevil, for misadvising the King, and they went to the Tower for it. 7 & 11 H. 4. The Council were complained of, and removed for mewing up the

An. 1628.



Mr. Selden.

Several Heads
agreed on for a
Remonstrance.A Message
from the King.The Lords con-
sider the State
of the King-
dom.Mr. Alured's
Letter.

the King, and dissuading him from the Common Good. I think the Duke of *Buckingham* is the Cause of all our Miseries; let the King be informed thereby, for till then we can never sit with Honour here. As for going to the Lords, that is not *via Regia*.

Let a Declaration be drawn to express our dutiful Carriage, our Liberties violated; what we intended to have dealt in, and that it was the Duke that interposed and caused all this distraction. Hitherto we have cast a Mantle on what was done last Parliament, but now let us proceed against that Man, upon his Answer to that Charge, and demand Judgment on that Answer only.

In conclusion, The House agreed upon several Heads. And while they were in debate about naming the Duke of *Buckingham* for the principal Cause of all these Evils, the Speaker (who had been with the King) brought this Message,

That his Majesty commanded them to adjourn till to morrow Morning, and all Committees to cease till then; which was done accordingly.

The like Command was to the House of Lords, who thereupon fearing a sudden Dissolution, fell into consideration of our weak Estate, the strength of the House of *Austria*, the King of *Spain's* Ambition, and Warlike Preparations, and were about naming a Committee to represent them to the King. But the Lords of the Privy Council satisfy'd them there was no such cause of fear.

Mr. *Alured's* Letter to Mr. Chamberlain of the Court of Wards, being a concurrent proof of the Passages of that Day, dated *June 6. 1628.* was to this effect:

Yesterday was a Day of Desolation among us in Parliament, and this we fear will be the Day of our Dissolution. On *Tuesday* Sir *John Elliot* moved there might be a Declaration made to the King of the Danger wherein the Kingdom stood by the Decay of Religion, the Insufficiency of his Generals, the Unfaithfulness of his Officers, the Weakness of his Counsels, the exhausting of his
Treasure,

Treasure, the Death of his Men, the Decay of Trade, the Loss of Shipping, our many and powerful Enemies, and few and poor Friends. (The Chancellor of the Dutchy said, this was a strange Language; but the House commanded Sir John to go on.) The Commons inclin'd to such a Declaration: But the next Day we had a Message by the Speaker, that this Session should end on *Wednesday*, and afterwards another, not to lay any Aspersions upon his Ministers. This Restraint seem'd hard, seeing the House had formerly proceeded against *John of Gaunt* the King's Son; and lately the Lord Chancellor *Bacon*, and Lord Treasurer *Cranfield*. Sir *Robert Philips*, Mr. *Pym*, and Sir *Edward Cook* spake, but mingled their Words with Tears, which the Speaker likewise did. Then turning themselves into a Grand Committee, the Speaker prayed he might absent himself; which was granted. Sir *Edward Cook* named the Duke of *Buckingham* for the Author of all their Miseries, which was entertained with a chearful Acclamation of the House. And while that Matter was under debate, the Speaker returned, and brought the King's Command for an Adjournment till to morrow Morning; what we may expect this Morning, God knows.

June 6. Mr. Speaker brought another Message from the King: He said, he had received many undeserved Favours from them, but none greater than that Testimony of their Confidence yesterday. That his Majesty hath commanded him to declare to them, That he had no Intentions by his last Message to restrain them from complaining of any of his Ministers, but only to avoid all Scandals on his Council and Actions past; and that his Ministers might not be, nor himself under their Names taxed for their Counsel unto his Majesty. He said, he observed out of this Message, his Majesty's Inclination to give this House Satisfaction. He knoweth there were none there but imagined whither he went, when they gave him Liberty to absent himself; and he assured them

Another Message from the King by the Speaker.

An. 1628.

Another to the
House of Lords.

it was not his Majesty's Intentions to protect any Abetter of Spain.

The King likewise sent a Message to the House of Lords by the Lord Keeper, to this effect:

That his Majesty takes notice of the fair Proceedings of this House upon hearing his Message yesterday: That they named no Committee, nor sent any Message to his Majesty, but yielded to his Majesty's Message: That they have just cause to be sensible of our Common Danger, which his Majesty knows very exactly. That this dutiful and discreet Carriage of their Lordships, has been a chief Motive to his Majesty to suspend those Intentions that were not far from a Resolution.

Sir R. Philips.

Upon the Message sent by the Speaker, Sir Robert Philips assumed the Debate, and told the Speaker, he had at all times discharged the Duty of a good Speaker, and of a good Man: That if his Majesty's Answer to their Petition fall short, it was occasioned by some who interposed between his Majesty and them. He moved they might go to his Majesty, and remove those Jealousies in him of their Proceedings; and if any thing fall out unhappily, it is not King Charles that advised himself, but King Charles ill advised by others, and misled by misordered Counsel. That they should present to his Majesty the Danger he and they were in; and if any Man hath been nam'd in particular, let him thank himself. That they should declare their Intentions, to lay no Aspersions on his Majesty, nor yet on any other, further than what was necessary to prevent the eminent Dangers they were surrounded with.

The Commons sent a Message to the Lords, to join in a Request to the King, that he would give a clear and satisfactory Answer to the Petition of Right, to which the Lords agreed.

Debate about
raising Foreign
Forces.

Then the House was turned into a Committee, and fell upon the Design of bringing into this Nation Foreign Forces under the Command of *Dalbier*.

And

And *Burlemack* being called in, confessed he had received 30000 *l.* by Privy Seal for the buying of Horses; that 1000 of them are raised, and are with their Riders to come over, the Arms being provided in *Holland*; but he hears a Countermand was gone to stay them.

4 Car.
Burlemack called into the House.

The Privy Seal was dated *January 30. An. 3.* commanding the Treasury, in the Receipt of the *Exchequer*, to pay 30000 *l.* to *Philip Burlemack* of *London* Merchant, to be paid by him over by Bill of Exchange into the *Low-Countries* and *Germany*, unto *Sir William Balfour Kt.* and *John Dalbier Esq;* viz. for the levying and transporting 1000 Horse 15000 *l.* For 5000 Muskets, 5000 Corslets, and 5000 Pikes, 10500 *l.* For 1000 Curaseers, 200 Corslets and Carbines, 4500 *l.* In all 30000 *l.*

A Privy Seal for that purpose.

June 7. The King coming to the Lords House, and the Commons sent for: The Lord Keeper presented him the Petition of both Houses, adding, The Lords and Commons considering that the good Intelligence between his Majesty and his People, much depended upon his Majesty's Answer to their Petition of Right, they humbly prayed him to give a clear and satisfactory Answer thereunto in full Parliament. The King reply'd, he could not have imagin'd but his former Answer would have satisfy'd them: But to shew them there was no Doubtfulness in his Meaning, they should read their Petition, and they should have an Answer would please them.

Both Houses petition for a further Answer to the Petition of Right.

The Petition being read, this Answer was return'd, *Soit Droit fait, come il est desire, C.R.* This I am sure (said his Majesty) is full; yet no more than I granted you in my first Answer.

His Majesty's second Answer thereunto.

The Commons hereupon returned to their House with unspeakable Joy, and frequent mention was made of proceeding with the Bills of Subsidies, and Tunnage and Poundage; and *Sir John Strange* moved to perfect their Remonstrance. The House ordered the Grand Committees to sit no longer, but that the House proceed only upon

All Grand Committees to cease.

An. 1628.

The Commission
of Excise.

Grievances of most moment. And they began with the Commission of Excise, which was read in the House, and was to this effect:

It was dated the last of *February*, 3 *Car.* and directed to the Great Officers, and some other of the Nobility, and two only of the Bishops of this Kingdom (*viz. Winchester, and Bath and Wells*) and to the Chancellor and some few of the Nobility of *Scotland*, being all Privy Counsellors, declaring the Necessity of raising Mony (the Sinews of War) for the Assistance of his Majesty's oppressed Allies, and for providing for the Defence and Safety of his Dominions and People; and requiring the said Commissioners to consider of all the best and speediest Ways and Means they could, for raising of Monys for the most Important Occasions aforesaid. The same to be done by Impositions, or otherwise, as in their Wisdoms and best Judgments they should find most convenient in a Case of this inevitable Necessity, wherein Form and Circumstance must be dispensed with, rather than the Substance lost and hazarded. And when they had brought any thing to maturity, they were to make Report thereof to his Majesty: And hereof they must not fail, as they tender the King's Honour, and Safety of his Dominions and People.

In the Commission Sir *Edward Cook* observ'd these Circumstances.

Sir E. Cook's
Observations on
it.

1. It was after the Summons to the Parliament, sure some thought the Parliament should not be.

2. There is a Padder in it, it was kept secret, some great Lords never knew it.

3. The end of it was Excises, for they are Impositions; and to make sure, the word [*otherwise*] is inserted. He moved that a Conference may be desired with the Lords, to complain of the Commission, that it might be cancelled; and if inrolled, to vacate that also; and that the Projector might be found out and punished.

A Conference
with the Lords
about it.

A Conference was had accordingly, which Sir *Edward Cook* managed. He repeated the Substance of

of what he said in the House of Commons: He said, he feared an Excise, and whatever is comprehended in it, was intended: That it is against Law, and a high breach of their Lordships and the Commons Liberties. He said, he utterly disliked that Clause [*as you tender the King's Honour*] should be applyed to a thing of this Nature; he desired, that this Commission being *ex diametro*, against the late Judgment in the Petition of Right, their Lordships would join with them in condemning it, that it may be cancelled; that if inrolled, a Vacat may be made of it; and if not, the Inrolment may be prevented. That the Warrant may be damned, and that some exemplary Punishment might be inflicted on the Projector, if to be found out. The Lords accepted the Motion, and promised to present the same to his Majesty.

This done, the House of Commons voted, that this Commission, the not guarding the Narrow Seas, the decay of Trade, and some other Particulars, be inserted in the Remonstrance; and then resumed the former Motion, to declare who was the Cause of all these Evils. The Debate was as hot as ever, and the Crimes so frequently objected against the Duke, were brought in afresh.

Fresh Debates against the Duke.

One said, the Duke was The Cause of some, and A Cause of other Grievances. For the first he instanced in the Disaster of the Armies, the Decay of Ports, Trade, Ships and Mariners. For the second he instanced in Religion; his Mother a Recusant, and a Fosterer of them. Papists are employed, and Popish Captains placed by him. And for Arminians, York House is a place of Consultation for *Montague* and others.

The Duke The cause of some, and A cause of other Grievances.

Another instanced in *Dalbier*, as a Papist employed by the Duke, and the Man who betrayed us at the Isle of *Ree*, and in the Retreat made a Bridg, which so intangled our Men, they could make no defence.

Dalbier employ'd by him.

Sir Robert Philips would have the Remonstrance run thus, That they conceived the Greatness and

Sir R. Philips.

An. 1628.

Sir J. Elliot,
Sir E. Cook,
Mr. Selden.

Moderators,
Sir H. May.

Sir H. Martin.

Sir Benj. Rudyard.

Sir T. Jermin.

Vote against
the Duke.

Dr. Lamb
killed.

and Power of the Duke, is the chief Cause of all these Evils.

But Sir *John Elliot*, Sir *Edward Cook*, and Mr. *Selden*, were positively for naming the Duke as the Cause of all our Evils.

In this Debate there wanted no Mediators.

Sir *Humphrey May* put them in mind of the King's Desire, that all Personal Aspersions might be forborn.

Sir *Henry Martin* vindicated the Duke: 'Tis true, said he, his Mother is a Recusant, but never any thing more grieved him; and he hath used all means to convert her. His own Lady he found not firm in his Religion, and he hath used means to confirm her; and he had often heard him protest and vow against Arminianism.

Sir *Benjamin Rudyard* said, If they named Excess of Power, and Abuse of Power, it would reach to the Duke. That he knew the Duke had done many great and good Offices to this House. And he durst pawn his Life they should have no occasion to complain at their next meeting: Nor let any Man say, Fear made them desist, they had shewed already what they dared do.

Sir *Thomas Jermin* spake in *Dalbier's* defence, and said, he had given great Evidence of his Trust and Fidelity: When the Count *Palatine* retired himself, *Dalbier* and one more went along with him, and meeting a Troop of Fifty Horse in a Village in *Germany*, *Dalbier* gave the Captain so many Crowns to conduct them, which was done.

June 13. Resolved upon the Question, That the Excessive Power of the Duke of *Buckingham*, is the Cause of the Evils and Dangers to the King and Kingdom. This to be added to the Remonstrance.

June 18. 1628. Dr. *Lamb* was assaulted in *London* by the Boys and Rabble, they calling him *Witch*, *Devil*, the *Duke's Conjuror*, &c. He took Sanctuary in the *Windmill Tavern* in the *Old Jewry*; but the *Vintner*, out of fear, thrust him out;

out: And when the Tumult saw a Guard coming from the Lord-Mayor to rescue him, they beat and bruised him, and left him for dead. The Officers with much ado got him alive into the Counter, where he died that Night.

The City of *London* could not find any of the Persons in this Riot; and the Rage of the People was so high, that they would ordinarily utter these words,

The Rage of the People against the Duke.

*Let Charles and George do what they can,
The Duke shall die like Doctor Lamb.*

The City was afterwards fined for this Miscarriage. In the mean time the Privy Council writ to the City, signifying how sensible his Majesty was of the Scandal this barbarous Murder might cast upon his Government, and by his command they required them to enquire out the principal Actors and Abettors, and to punish them in the severest manner that in such Cases is provided by the Law.

The Commons voted Dr. *Neal* Bishop of *Winchester*, and Dr. *Laud* Bishop of *Bath and Wells*, be named to be those near about the King, who are suspected to be Arminians: And being turned into a Committee, Mr. *Selden* proposed, that in the Remonstrance to the Excessive Power of the Duke should be added, the Abuse of that Power, and how unsafe it was for such a Man to be so near his Majesty; and it was ordered accordingly.

Bp Neal and Bp Laud suspected to be Arminians.

Mr. Selden.

The Remonstrance being perfected, was to this effect:

That they thought it their Duty to inform his Majesty, of the apparent danger of Ruin and Destruction this Church and Commonwealth was in, and of the miserable Condition of this Kingdom, which of the most happy and flourishing, is like to be the most contemptible Nation in the World. They acknowledg his Majesty's Goodness, expressed by his clear and satisfactory Answer.

The Commons Remonstrance.

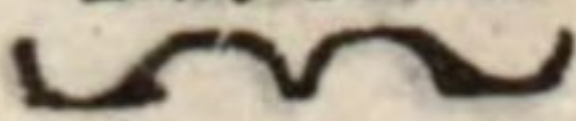
An. 1628. swer to their Petition of Right. That one of the principal Ends of calling Parliaments is, That his Majesty may be truly informed of the State of the several parts of his Kingdom, and how his Officers and Ministers behave themselves, which is scarce able to be made known to him but in Parliament; as was declared by his Blessed Father, who told the Commons, It would be the greatest Breach of Duty to his Majesty, and of the Trust committed to them, if they did not deal clearly with him, without sparing any, how near and dear soever to him, if they were hurtful or dangerous to the Commonwealth. They first of all beseech his Majesty to take notice, that there is a general Fear conceived in his People, of a secret working to introduce into this Kingdom Innovation and Change of our Religion. For notwithstanding the many good Laws to prevent the Increase of Popery, and his Majesty's satisfactory Answer to the Petition of both Houses, presented to him at *Oxford*; they find no good Effect thereof, but that those of that Religion do find extraordinary Favours and Respect at Court: In particular from the Countess of *Buckingham*, who openly professes that Religion; which they hoped upon his Majesty's Answer to the aforesaid Petition at *Oxford*, should not have been permitted, nor any of his Subjects justly suspected, should be entertained in his or the Queen's Service: Some of that Religion have had Honours, Offices, and Places of Authority lately conferred upon them. Letters of Stay of Legal Proceedings against them have been procured from his Majesty, and Commissions granted and executed for compounding with Popish Recusants, with Inhibitions to the Ecclesiastical and Temporal Courts not to intermeddle with them, amounting to no less than a Toleration: Their Numbers, Power, and Influence daily increasing, especially about *London*, where they frequent Mass at *Denmark-House*, and other Places. That there is likewise a daily growth and spreading of the Faction of Armini-
ans,

ans, who are Protestants in shew, but Jesuits in Opinion, which caused his Royal Father to endeavour the suppressing of them. And his Majesty likewise had by Proclamation declared his dislike of those Persons, and their Opinions, who notwithstanding are much favoured and advanced, not wanting Friends of the Clergy near his Majesty, namely Dr. Neal Bishop of *Winchester*, and Dr. Laud Bishop of *Bath and Wells*, who are justly suspected to be unsound in their Opinions that way. And it being now generally held the way to Preferment, many Scholars bend the course of their Studies to maintain those Errors; and their Books are suffered to be published, while the Orthodox are prohibited. Preaching is discountenanced, and painful Preachers, how conformable soever, discouraged. And in *Ireland* the Popish Religion openly professed, Popish Jurisdiction exercised, and Monasteries, Nunneries, &c. newly erected, reedified and replenished. And all these Courses tending to the destruction of True Religion have been taken here, when the same is with open Force and Violence prosecuted in other Countrys, and all the Reformed Churches of Christendom either depressed, or miserably distressed. They appeal to his Majesty, whether there be not just ground of fear, that there is some secret and strong cooperating here with the Enemies of our Religion abroad, for the utter extirpation thereof. They further declare to his Majesty, That his People are likewise full of fear of Innovation and Change of Government, tho much comforted by his Majesty's Answer to their Petition of Right; and raised again out of the Discontent they had conceived for the undue Courses taken the last Year for raising Monys by Loans; than which never were any Monys paid with more general regret. That notwithstanding his Majesty's Gracious Answer to their Petition of Right touching the Billeting of Souldiers, they are still continued and reinforced; and tho many of them are not Natives of this Kingdom, and of an opposite

An. 1628.

posite Religion to ours, they are placed upon the Sea-Coast, where they may at the same time unite with the Popish Party at home, and join with an invading Enemy. That the Report of the dangerous Design of bringing in *German* Horse and Riders, had turned their Doubts into Despair, had not his Majesty assured them they were not intended for any Service in *England*: Yet the sight of the Privy-Seal, the great Sum of Mony paid thereupon, and the Commission granted to the Lords and others of the Privy Council to consider of raising Monys by Impositions, gave them just cause to suspect, that there were those who might, by this or other means, contrive to change the Frame both of Religion and Government. These Men could not be ignorant that the bringing in of Strangers for Aid, hath been pernicious to most States, but to *England* fatal; and they hold it beneath any *English* Man to think, that this victorious Nation should stand in need of *German* Soldiers to defend it. That when they consider the Courses aforesaid, the often Breaches of Parliament, the taking of Tonnage and Poudage without Act of Parliament; the standing Commission granted to the Duke of *Buckingham*, to be General of an Army here in time of Peace; the discharging of faithful and sufficient Persons from Judicial Places and other Offices; they cannot but apply themselves to his Majesty for speedy Help and Reformation. They pray his Majesty to consider, Whether the ill Success that hath accompanied all his late Designs and Actions, particularly those of *Cales*, the *Isle of Ree*, and the last Expedition to *Rochel*, hath not extremely wasted that Stock of Honour that was left unto this Kingdom? That with the loss of our Honour we lost several valiant and expert Commanders, and many thousand Common Soldiers and Mariners, tho of six or seven thousand lost at the *Isle of Ree*, his Majesty received information but of a few hundreds. And this Dishonour and Loss hath been purchased with the consumption of
above

above a Million of Treasure. That many of the Forts are weak and decayed: And his Majesty's Store of Powder, which by Order of his Privy Council, *Decemb. 10. 1626.* should be constantly 300 Lasts, besides twenty Lasts a Month for ordinary Expences, is now in the *Tower* but nine Lasts, and 48 Pounds in all: And yet great Quantities have been sold out of his Majesty's Store for private Gain; whereof six Lasts sold since the *14th of January* last. And tho by Contract with *Mr. Evelyn* his Store ought to be supply'd monthly with twenty Lasts, at the rate of *3 l. 10 s. 10 d.* a Barrel; His Majesty hath been forced to pay above *7 l.* a Barrel for Powder brought from beyond Seas; for which purpose *12400 l.* was impressed to *Mr. Burlemack* last Year, and yet not so good as was to have been had by Contract by one third part. But what the Poverty, Weakness and Misery of the Kingdom is grown unto by decay of Trade, and loss of Ships and Mariners within these three Years, they are almost afraid to declare. But for his Majesty's more exact Information therein, they beseech him to peruse the Kalendar of Particulars presented to him with this Remonstrance. One Reason whereof is, the not guarding the Narrow Seas, the Regality whereof is in a manner lost, the *Dunkirkers* continually robbing and spoiling his Majesty's Subjects. The principal Cause of which Evils they conceive to be the excessive Power of the Duke of *Buckingham*, and the abuse of that Power. And they submit it to his Majesty, Whether it be safe for so great a Power by Sea and Land to be in the hands of any one Subject? Nor is it possible for any one Man to manage so many and weighty Affairs of the Kingdom as he hath undertaken; some of which would require the Time and Industry of the ablest Men of the Kingdom. And they desire his Majesty to consider, Whether the Duke having so abused that Power, it be safe to continue him, either in his Great Offices, or in his Place of Nearness and Counsel about his Person? And they beseech

An. 1628.  seech his Majesty graciously to accept of this true Representation of their present Danger, and pressing Calamities, and to restore the Safety and Happiness of these Kingdoms.

*The Speaker
to deliver the
Remonstrance.*

The Speaker was appointed to deliver this Remonstrance to his Majesty.

The House also sent up the Bill of Subsidy to the Lords.

A Message.

The King sent a Message by Sir *Humphry May*, that he meant to end this Session the 26th of *June*. Whereupon the Commons fell upon the Bill of Tonnage and Poundage.

*Order of Star-
chamber about
the Duke.*

June 16. Upon the signification of his Majesty's Pleasure, it was ordered by the Court of *Star-chamber*, That the Information exhibited there against the Duke of *Buckingham* for divers great Offences, with his Answer thereunto, and all Proceedings thereupon, should be taken off the File, that no memory thereof remain of Record, his Majesty being fully satisfied of his Innocency.

*Some charged
with words a-
gainst the Duke.*

The same Day the Duke signified to the House of Lords, that Mr. *Christopher Lenkenor*, a Member of the House of Commons, had affirmed his Grace spake these words, [Tush, it makes no matter what the Commons in Parliament do, for without my leave they shall not be able to touch the Hair of a Dog.] He desired leave to make his Protestation in the House of Commons concerning it; and that he who spake it of him might justify it. The Lords ordered the Duke should be left to do what he thought best in the House of Commons. And the Duke protesting he never had such Words in his Thoughts, the Lords commanded his Protestation to be entred.

The Duke also charged one Mr. *Melvin* for speaking words to this effect; That the Duke's Plot was to dissolve the Parliament, and then the King and he, by the Assistance of *Scotland*, should war against the Commons, and the Enemy to be let in, to whom the Kingdom was sold by the Duke. That the Duke had a Council, whereof

whereof were certain Jesuits Scotsmen: That he could alter whatever the King purposed to do: That he caused the Soldiers to go on at the Isle of Rhee to be destroy'd: That he said he had an Army of 16000 Foot and 1200 Horse. That King James and Marquess Hamilton's Blood cried for Vengeance: That he expected the Ruin of the Kingdom: That Prince Henry was poison'd by Sir Thomas Overbury, and himself served with the same Sauce; and the Earl of Somerset could say much to this. That he had a Cardinal to his Uncle, or near Kinsman, whereby he had great Intelligence.

The Lord Keeper reported to the Lords from the King, That his Majesty now having a Supply from his People, he esteemed the Commission of Excise useless: That both that and the Warrant for putting the Seal thereunto, were cancelled in the King's presence; and the Lord Keeper openly shewed them cancel'd, and they were sent to the Commons to be shewed there.

Commission of Excise, and Warrant for it cancelled.

The Commons resumed the Debate upon the Bill of Tunnage and Poundage.

Mr. Selden said, That whereas the King's Counsel objected, that 1 Eliz. saith, It was granted time out of mind: 'Tis a Mistake, for the Statutes of 1 Eliz. and 1 Jac. only say, That H. 7. and other his Majesty's Progenitors, have had some Subsidy for the guarding of the Seas, and that there was never a King but had some Subsidy, yet it is a Matter of Free Gift; and the Bills of Tunnage and Poundage have always had the same Answer with the Bills of Subsidy, where the King thanks the Subjects for their good Wills; save 1 Eliz. by the Mistake of the Clerk. Whereupon a Remonstrance was prepared against the taking of Tunnage and Poundage without Act of Parliament, being to this Effect:

Mr. Selden concerning Tunnage and Poundage.

That by the incertainty of their continuance together, their unexpected Interruptions, and the shortness of the time for ending this Session, they cannot bring to maturity divers Businesses of

The Commons Remonstrance about Tunnage and Poundage.

An. 1628.

Weight they had taken into their consideration, and particularly the Bill of Tunnage and Poundage, which would require much Time and Preparation by Conference with his Majesty's Officers and Merchants. That they assure themselves that his Majesty is resolved to observe his Answer given to the Petition of Right: Yet doubting his Majesty may be misinform'd, as if he might continue those Impositions without breaking that Answer, they do declare, There ought not any Impositions to be laid upon the Goods of Merchants without Act of Parliament. That the Subjects have been ever careful to use such Cautions and Limitations in their Grants of such Subsidies and Impositions, as might prevent any Claim to be made; that such Subsidies do proceed from Duty, and not from the free Gift of the Subjects. That they have heretofore used to limit a Time in such Grants, as for a Year or two; and if it were continued longer, they would direct a certain space of Intermission, sometimes granted on occasion of War for a number of Years, with proviso, that if the War were ended, the Grant should cease: And it hath been sequestred into the hands of some Subjects for the guarding of the Seas. That by the ordinary Answer of his Majesty's Predecessors in their Assent to the Bills of Tunnage and Poundage, it appears to be of the nature of other Subsidies, and very few of them had it for Life, till *H. 7.* who made no Commissions for receiving it, until granted in Parliament. All the Kings and Queens of this Realm have, since his Time, had the like Grants for Life; and if the People have been agrieved by laying any Impositions on their Goods contrary to Law, upon complaint in Parliament they have been relieved, saving in the time of his Royal Father, who through ill Counsel raised the Rates upon Merchandizes to what they now are. That they design so to frame a Grant of Tunnage and Poundage, as thereby his Majesty may the better defend the Realm, and the Subjects be encouraged to proceed in their Trade.

Trade. But being prevented herein, they have no way left but to make this Declaration, That the receiving of Tunnage and Poundage not granted by Parliament, is a breach of their Fundamental Liberties, and contrary to his Majesty's Answer to the Petition of Right. And they beseech his Majesty to forbear the receiving of it.

After reading hereof, Mr. Noy moved, That his Majesty should be desired, that the Merchants might ship their Goods without a Cocket, otherwise they forfeit their Goods. *Mr. Noy.*

June 26. The King came unexpectedly to the House of Lords, sent for the Commons, and spake to this effect : *The King ends this Session in Person, and declares the Reason.*

That he came to end this Session, and he would tell them the Cause ; tho he must avow, He was accountable for his Actions to God alone. The Commons lately gave him a Remonstrance, which he is sure no wise Man can justify. And now a second Remonstrance is preparing, to take away the profit of his Tunnage and Poundage. He alleged he had not given away his Right thereto by his Answer to their Petition ; the true intent whereof, was not to grant any new thing, but that those things which had been done, which seemed to trench upon the Liberties of the Subject, should not hereafter be drawn into Example ; and so much he promised in the Word of a King. But as for Tunnage and Poundage, he could not want it, nor was it intended by them to ask, nor by him to grant. And he commanded them to take notice hereof, especially the Judges, to whom under him, and not to the Houses of Parliament, belongs the Interpretation of Laws.

Then the Bill of Subsidy was delivered to the Speaker, who in a short Speech shewed, that it was the greatest Gift that ever was given in so short a time, and desired the Royal Assent, tho the Commons had given no Order for the Speaker to deliver the Bill ; nor was it brought down to the Commons House as usual. There passed 28 *Acts of Parliament this Session.*

An. 1628. Acts, six of 'em Publick ; to which the King's Answer was, *Le Roy le veut* ; and to the rest, which were private, *Soit fait come il est desire*. But for the Bill for explanation of the Statute of 3 Jac. about Leases of Recusants Lands, he said he had not Time sufficient to consider thereof, but had found many Errors therein, which if amended the next Session it should pass.

In the Interval between the two Sessions, happened many remarkable Passages.

Proclamation
against Dr.
Manwaring's
Sermons.

Dr. *Manwaring's* Sermons, intituled *Religion and Allegiance*, were suppressed by Proclamation, the King declaring, That tho the Grounds thereof were rightly laid to perswade Obedience from Subjects to their Sovereign, yet there were divers Inferences and Applications trenching upon the Laws and Proceedings of Parliament, whereof he was ignorant, and had so far erred, that he had drawn upon himself and his Book the just Censure of the Parliament.

Concerning com-
position with
Recusants.

Another Proclamation issued containing Directions to his Commissioners for compounding with Popish Recusants for two thirds of their Estates ; nevertheless for the most part they got off upon easy Terms.

Against the Bi-
shop of Calce-
don, Priest and
Jesuits.

This was seconded by another Proclamation, commanding search to be made for all Priests and Jesuits (particularly the Bishop of *Calcedon*) and to commit them to Goal, without Bail or Mainprize, till tried ; and if convicted, and there be cause to respite execution, they shall be sent to the Castle of *Wisbich*, or some other safe Prison, and restrained from exercising their Function. And the Privy Council wrote to the Bishop of *Ely* to prepare the said Castle of *Wisbich* to receive them, and there to treat and govern them according to such Instructions as should be prescribed by that Board.

Jesuits taken
at Clerkenwel
to be proceeded
against.

The Jesuits taken in *Clerkenwel*, and committed to several Prisons, were all of them removed to *Newgate* by Order of Council, and were to be proceeded against till condemned, and then sent

sent to *Wisbich*, and the Attorney General to take course to entitle the King to the Goods found in the House; but tho all were proceeded against, one only was convicted. And the Privy Council sent to the Lord Mayor to certify what Recusants remained in the City or Liberties thereof, as Housekeepers, Inmates, or Lodgers, with their Names and Qualities, and who were Tradesmen there, and who not.

July 15. Sir Richard Weston Chancellor of the Exchequer was made Lord Treasurer, and Bp Laud translated to London.

Mr. Mountague designed Bishop of Chichester his Appello Casarem was called in, the King declaring he did it to prevent unnecessary Disputes, which had been first stirred up by that Book, commanding all who had those Books to deliver them to the Bishop of the Diocess; or if in the Universities, to the Chancellor or Vicechancellor, who were to suppress them. And if any by preaching, reading, writing, should revive those Differences, the King would take such order with them, as they should wish they had never thought upon those needless Controversys.

But before this Proclamation was published, most of the Books were vented, and out of danger of seizure: And the several Answers made thereunto were all suppressed (which it was thought was the thing mainly intended) and divers of the Printers questioned in the High Commission, and Mountague and Manwaring had a Pardon of all Errors in Speaking, Writing, or Printing. And Manwaring, tho censured by the Lords, and disabled from future Ecclesiastical Preferments, was immediately presented to the Rectory of Stamford Rivers in Essex, which by Dispensation he held with St. Giles in the Fields; and Mountague was made Bishop of Chichester.

Rochel being straitly besieged by the French King, the Duke of Buckingham was ordered with a Fleet to relieve it; who at Portsmouth, August 23: Bartholomew Eve, was suddenly slain in his Lodg-

Sir R. Weston and Bp Laud advanced.

Mr. Mountague advanced, and his Appello Casarem called in.

Preaching and writing about unnecessary Questions prohibited.

A Pardon to Mountague and Manwaring.

Rochel close besieged, and Relief design'd. The Duke slain.

An. 1628.

Rochel attempted to be relieved, but in vain.

The sad Condition of Rochel during the Siege.

Defects in the Relief of Rochel questioned.

Outrages by Soldiers.

Lodgings by Lieutenant *Felton*, with one blow of a Knife, wherewith he struck him into the Heart, left the Knife in his Body, and went away undiscovered. The Duke was heard to say, *The Villain hath kill'd me.* A jealousy was had of Monsieur *Sobiez*: But *Felton* immediately stepping out said, I am the Man that did the Deed, let no Man suffer that is innocent. Whereupon he was apprehended and sent to *London*.

The King was then within four miles of *Portsmouth*, and pursued the Design of relieving *Rochel*; and the Fleet coming before the Town, several times attempted the Barricado, but in vain, and so gave over: whereupon the *Rochellers* came to a Capitulation upon very mean Terms. The *French King* (according to the Articles) was careful to prevent any Outrage upon the first entry into the Town; yet high Outrages were committed afterwards, and great was the Persecution of the Reformed Churches, who again implor'd the King of *England's* Aid; but the Treaty being concluded between the two Crowns, all things were settled in Peace between the *French King* and them.

The Misery of the *Rochellers* during the Siege was incredible, having lived long upon Horse-flesh, Hides, Leather, Dogs and Cats; of 15000 but about 4000 left alive: They usually carried their Coffins into Churchyards, and other places, laid themselves therein, and died.

The Fleet which put to Sea for its Relief, was defective in Victuals which were tainted, and in Tackle and other Materials, and in Discipline too; whereof, and of the Defects in the former Expedition, certain Lords, and Secretary *Cook*, were appointed to inform themselves, and report the same to the Board.

Scots and *Irish* were quartered in the *Ile of Wight*, and many Robberies committed in *Essex* by the Soldiers at their return: Whereupon a Provost Marshal was appointed for apprehending such disorderly Persons.

The

The Privy Council being advertised of some Hostile Preparations abroad, took care for securing the Southern and Western Coasts.

The King at the instance of the Ambassadors of Denmark, and the United Provinces, resolved to send five Ships to secure the Elb, and Men for the Relief of *Luckstat*; and in the first place sent 2000 Men under the Command of Sir Charles Morgan, 1400 whereof came from *Stoade* upon the surrender thereof, and remained in several of the States Garisons, and the other six hundred he took out of those in the States Pay, under the Command of the Lord Vere, promising the States, and the Prince of Orange, That for every Man they lent him, he would send them two when his Forces returned from *Rochel*.

As for the Horse levied in Germany, and (as The German was said) intended for England, upon certain O-vertures by the King of Sweden and Duke of Savoy, the Privy Council writ to *Dalbier*, that he might dispose of them to those Princes.

After the Death of the Duke none was so intimate with his Majesty, as Dr. Laud Bishop of London, by whose Orders there were entred in the Docket Book several Conges D'estliers, and Royal Assents, for Dr. May to be Bishop of Bath and Wells, Dr. Corbet to be Bishop of Oxford, and Samuel Harsenet Bishop of Norwich to be Archbishop of York. In the University he bore the sway, and this Year framed the Statute for reducing the Election of Proctors, which (he said) was factious and tumultuary to the several Colleges by Course.

The Parliament was prorogued from the 10th of October to the 20th of January.

Felton condemned himself for what he had done; but said, he had long looked on the Duke as an Evil Instrument in the Commonwealth, and was convinced thereof by the Remonstrance of Parliament. He was of little Stature, and a revengeful Spirit, who sending a Challenge to a

4 Car.
Advertisements
of Foreign De-
signs.
King of Den-
mark assisted.

Bp Laud in
favour.
Conge D'estlier
for certain
Bishops.

The Parliament
prorogued to
Jan. 20.
Felton's Cha-
racter.

An. 1628.
Examined be-
fore the Coun-
cil.

Threatned to
be racked.

The Judges
Opinions taken
therein.

Merchants
committed a-
bout Customs.

Mr. Chambers
bailed.

Gentleman, cut off a piece of his little Finger, and sent it therewith. Being before the Council, they pressed him to confess who set him on work to do such a bloody Act, and if the Puritans had no hand therein. He denied any Person knew of his Intentions.

Land Bishop of *London* told him, He must then go to the Rack. He reply'd, He knew not whether Torture might make him accuse his Lordship, or which of their Lordships. The King caused it to be propounded to all the Justices, Whether he having confessed the Murder, might not by the Law be racked? And first the Justices at *Serjeants-Inn* in *Chancery-lane*, and afterwards all the Justices being assembled at *Serjeants-Inn* in *Fleet-street*, agreed in one, that he ought not by the Law to be rack'd; tho in the Time of *H. 6.* it was used here in case of Treason.

Certain Merchants who traded in Wines, being committed to the *Fleet* for Nonpayment of an Imposition of twenty Shillings the Tun, were delivered upon their entering into Bond to pay the same. The King in Council declared his Pleasure to have 2 s. 2 d. the hundred upon all Currants, besides that of 3 s. 4 d. it being a Duty laid by Queen *Elizabeth*, and had been paid to his Father and himself, and he was possessed of the whole 5 s. 6 d. the Hundred by a solemn Judgment in the *Exchequer*. And divers Merchants of *London* having forcibly landed, and endeavoured to carry away their Merchandizes, were summoned to the Council-Table: And Mr. *Chambers* being committed by them to the *Marshalsea* for some words spoken at that time, and bringing his *Habeas Corpus*, the Marshal returned, That he was committed by the Command of the Lords of the Council. The Warrant was, That he was committed for insolent Behaviour, and Words spoken at the Council-Table; the Words were, tho not expressed in the Return, [That such great Customs and Impositions were required from the Merchants of *England*, as were in no other Place, and

and that they were more screwed up than under the *Turk*.] But it not appearing by the Return what the words were, whereto he might give answer (tho the King's Attorney moved for a longer Day) the Court bailed him, and by Recognizance he was bound in 400 l. and four Merchants in 100 l. apiece for his appearance there in *Craftino animarum*, and in the interim to be of good behaviour. At which Baylment the Council being much dissatisfy'd, the Judges were sent for to the Lord-Keeper at *Durham-house*; who told them, the Enlargement of *Chambers* was without due regard had to the Privy-Council, in not acquainting them therewith. They answer'd, What they had done was according to Law. But it was reply'd, It was necessary the Power and Dignity of the Council-Table should be preserved, by a correspondence from the Courts of Justice.

The Council dissatisfied therewith.

Novem. 27. Felton was brought to the Kings-bench Bar in order to his Trial; and pleading Guilty, the Court passed Sentence of Death upon him: Whereupon he offered that Hand to be cut off that did the Fact, and the King intimated his Desire to have it done; but the Court answered, It could not be, the Judgment in all Murders being the same, unless when the Statute of 25 E. 3. did alter the nature of the Offence; and upon a several Indictment, as in Q. Elizabeth's Time, when a Felon at the Bar flung a Stone at a Judge upon the Bench; for which he was indicted and sentenced to have his Hand cut off. And Felton was afterwards hung up in Chains.

Felton brought to Trial.

Offers his Hand to be cut off.

Hung in Chains.

In Michaelmas Term 1628. the Officers of the Custom-house seized great quantities of Currants of Mr. Samuel Vassal, for refusing to pay 5 s. 6 d. for every 100 Weight. And the Attorney-General exhibited an Information against him, setting forth, that King James did, by his Letters Patents, command the taking the said Imposition: And his now Majesty by his Letters Patents 26 June, 2 Car. by Advice of his Privy Council, did declare, that Subsidies, Customs, and Imposts, should

Mr. Vassal's Goods seized for Customs. Information against him.

An. 1628. should be levied as they were in King *James* his Time, until settled by Parliament; and the said *Samuel Vassal* had imported 4638 hundred weight of Currants without paying Custom. *Vassal* pleaded *Magna Charta*, and the Statute *de Tallagio non concedendo*, and that the said Imposition was imposed without Assent of Parliament. To which the Attorney General demurred. The Barons of the *Exchequer* said, this was already adjudged in one *Bates* his Case, and deny'd to hear Mr. *Vassal*'s Counsel argue. They said the King was in possession, and they would keep him so, and they gave their Opinion for the King, and both imprisoned *Vassal* for nonpayment, and detained his Goods. And the Custom-house Officers having seized several Merchandizes of *Richard Chambers*, for nonpayment of the Subsidy of Tunnage and Poudage, because not granted by Parliament, and he bringing a *Replevin*; the Court of *Exchequer* ordered an Injunction to the Sheriffs of *London*, not to execute such Writ, or any other of the like nature, declaring such Goods were not repleviable, and the Sheriffs did forbear accordingly. And the Court ordered the Custom-house Officers to detain double the Value of what was demanded, and to restore the Residue.

His Plea
thereto.

Adjudged a-
gainst him.

Mr. Chambers
Goods seized.

Brings Reple-
win.
An Injunction
granted.

The like Proceedings were had against Mr. *John Rolls* of *London* Merchant upon the same account.

Private Con-
sultations a-
bout the ensuing
Parliament.

The meeting of the Parliament drawing nigh, the King consulted with a select Committee of the Privy-Council, how those of them who were Members of Parliament should demean themselves there. And it was proposed, that if in the House of Commons it shall be strongly insisted on that the Merchants Goods should be delivered, before they proceed to the Bill of Tunnage and Poudage, the Answer shall be, That if they intend to grant it, as it hath been granted to his Predecessors, it will end all Disputes; but if not, then the King to tell them, That if they will pass the Bill to him as his Ancestors had it, he will declare he

he claims it not but by Grant in Parliament; but if this satisfy not, then to avow a Breach. They advised that the Bill of Tunnage and Poundage be prepared in the same form that it passed for King James, adding words to give it from the first Day of the King's Reign, and that it be presented at the first sitting of the Parliament; and those of the Privy-Council to move for a speedy Answer, whether they will grant Tunnage and Poundage, or not? That if they proceed to censure the Actions of the Duke of Buckingham, to accuse the King's Servants, to asperse his Counsellors, to handle Matters of Religion improper for them, to raise Objections against his Majesty's last Speech, or such-like Matters, and draw towards a Resolution, those of the Privy-Council to intimate that those Debates tend to a Breach, and the King to declare himself presently, that he will not suffer them.

20 Janu^{ar}. The Parliament reassembled, and the Commons first inquired whether the Petition of Right, with his Majesty's Answer, were inrolled in the Parliament Rolls, and the Courts of Westminster; and they found his Majesty's last Speech entred by his Majesty's Command, together with the Petition. And Norton the King's Printer being called in, they demanded by what Authority that Addition to the Petition of Right was printed? He said, By Warrant, as he thought, from the King himself: That there were about 1500 Copies printed without Additions, but they were suppressed, and the Attorney-General commanded, no more should be printed, nor those printed, divulged.

They then considered the Violation of the Peoples Liberties since the last Session, and a Command sent to the Sheriff, in the Case of Mr. Rolls, known to be a Member of that House; to whom some of the Officers of the Custom-house said, If all the Parliament were in you, we would take your Goods.

The Parliament meet, and the Commons enquire, whether the Petition of Right be inrolled.

And of the violation of the Subjects Liberties since the last Session.

Sir

An. 1628.

Sir R. Philips.

The Matter
referred to a
Committee.

The King's
Speech to both
Houses.

A Message from
the King about
Tunnage and
Poundage.

But the Com-
mons resolve to
proceed in Mat-
ters of Religi-
on.

Sir Robert Philips said, No Man ever saw or read the like violation by inferior Ministers. And here's an Order of the *Exchequer* for stay of Goods of 5000*l.* Value, for a pretended Duty of 200*l.* It's time to look about us, let a Committee be appointed to examine these Proceedings.

A Committee was appointed accordingly, and the Custom-house Officers who had seized the Merchants Goods, ordered to be sent for : But during the Debate, the King sent to the House to desist from the same, and meet him the next day in the Banqueting-house, where he spoke to both Houses to this effect :

That the occasion of his calling them together at that time was, a Complaint made in the lower House for staying mens Goods that denied Tunnage and Poundage ; which may receive an easy and short conclusion : for by passing the Bill as his Ancestors had it, his by-past Actions would be included, and his future authorized. That he took not those Dutys by his Hereditary Prerogative, for his meaning ever was to enjoy them by the Gift of his People, not challenging it as of Right, but *de bene esse* ; for the Necessity, not for the Right he had to take it, as he shewed them in his last Speech. He expects that without loss of time, they by passing the Bill put an end to all these Questions ; and is glad that by their Actions he finds them Complainers, not seeking Complaints, as there was some shew to suspect by their Order of *Wednesday* last, which made him startle, being somewhat too largely penned.

26 *Januar.* The King sent a Message to the Commons by Mr. Secretary Cook, for the speedy dispatch of the Bill of Tunnage and Poundage. He pressed much (in his Majesty's Name) for the reading of it.

But the House being troubled to have the Bill imposed upon them, did further impower the Committee to examine violation of Liberty and Property, and resolved to proceed with matters of Religion, and particularly against the
Sect

Sect of *Arminians*; whereupon Mr. Rouse spake to this Effect:

4 Car.

Mr. Rouse.

That they have of late entred into consideration of the Petition of Right, and the violation of it; but there is a Right of a higher nature, a Religion derived to us from the King of Kings, of the violation whereof he desired them seriously to consider, and what new Paintings are laid on the old Face of the Whore of *Babylon*, to shew her more lovely; and how the See of *Rome* doth eat into our Religion, and fret into the Banks and Walls of it, the Laws and Statutes of this Realm. He desired they may consider too of the increase of *Arminianism*, an Error that makes the Grace of God lackey it after the Will of Man; for an *Arminian* is the Spawn of a *Papist*, to whom you shall see him reaching out his Hand, as the *Papist* doth to a *Jesuit*, who gives one Hand to the Pope, and the other to the King of *Spain*. Yea, let us consider whether these be not the Men that break in upon the Goods and Liberties of this Commonwealth, to make way for the ruining of our Religion, which was an old Trick of the Devil, who when he meant to take away *Job's* Religion, began at his Goods. Let us consider the Times past, how this Nation flourished in Honour and Abundance, when Religion flourish'd amongst us; but as Religion decay'd, so the Honour and Strength of this Nation decayed also: Wherefore let us now unanimously make a Vow and Covenant to hold fast our God, and our Religion.

27 *Januar*. The Remonstrance concerning Religion, which passed the late Session, being by the King's Command delivered by the Clerk to some whom he sent for the same, for want whereof that Committee could not proceed; and his Majesty understanding it was call'd for, he sent it by Mr. Secretary Cook, with this Message, That he hoped they would give precedence to the Bill for Tunnage and Poundage, to end the Dispute between some of his Subjects.

The Remonstrance concerning Religion returned by the King.

But

An. 1628.

Precedency a-
gain given to
Religion, before
Tunnage and
Poundage.

Mr. Pym.

But the House preferred Religion before it; besides, it was a fit time to inquire what Persons had been advanced to Ecclesiastical Preferments, and to whom Pardons had been granted since the last Session. And the House resolving into a Committee, Mr. Pym spake to this effect:

That there were two Diseases, the one old Popery, the other new Arminianism. Concerning Popery, ought to be enquired after,

1. The Cessation of the execution of Laws against Papists.

2. How they have been imployed and countenanced.

3. The superstitious Ceremonies brought in amongst us; especially by Mr. Cozens at Durham, as Angels, Crucifixes, Saints, Altars, Candles on Candlemas-day after the Popish manner.

For Arminianism let it be advised;

1. That a way be open for the Truth.

2. That his Majesty be shewed wherein these late Opinions are contrary to those settled Truths in the Articles 1562. the Writings of Bucer and Martyr, by the constant profession of so many Martyrs in the 36 Articles in Q. Elizabeth's Time, and the Articles agreed upon at Lambeth as the Doctrine of the Church of England, sent over by King James to Dort and Ireland. And shew what Men have been preferred, who profess these late Heresies; what Pardons granted them, what Books against their Doctrines prohibited, and what Books for them permitted.

A Message a-
bout Tunnage
and Poundage.

28 Januar. Secretary Cook delivered another Message from the King concerning the Precedency of Tunnage and Poundage.

Sir Tho. Ed-
monds.

Sir T. Edmonds said, He was sorry they had caus'd so many Messages about Tunnage and Poundage: That his Majesty was sensible of the neglect of his Business. That they were Witnesses what Inlargement he had made of their Liberties; and still they give him cause to repent of the Good he had done. He bid them consider how dangerous it was to alienate his Majesty's Heart from Parliaments.

I see not how we neglect our Duty to his Majesty; We all intend to expedite the Bill of Tunnage and Poundage in due time, but these Messages put us back, and the Business in hand is of God.

4 Car.
Mr. Corriton.

There is a jealousy as if we meant to dispute Matters of Faith; but it is not in the Parliament to make a new Religion. There seemeth to me not one of our least dangers ariseth out of the Declaration published in his Majesty's Name concerning Disputing and Preaching. Let not this cast any jealousy on his Majesty, for I hope it is in those Ministers about him, which all Princes are subject unto. *Antiochus* King of *Asia* writ to several Provinces, that if they received any Dispatches in his Name not agreeable to Justice, they should not obey them. And *Gratian* gives the Reason, because Princes by Importunity are drawn to grant things not to be granted. It's said in the Declaration, That if there be any difference in Opinion concerning the Interpretation of the 39 Articles; the Bishops and Clergy in Convocation, have power to order it which way they please, and so Popery and Arminianism may be introduced by them. In a Diary of E. 6. under his own Hand, he expresses the Condition of the Bishops of that Time; some for Sloth, some for Age, some for Ignorance, some for Luxury, and some for Popery, were unfit for Discipline and Government. We see some of our Bishops who are not sound in Religion; witness the two complained of last Session of Parliament: I fear, should we be in their Power, we may have our Religion overthrown. Let us go to the Ground of our Religion, and lay down a Rule on which we may rest.

Sir Joh. Elliot.

Hereupon after some Debate, the Commons entered into this Vow.

WE the Commons in Parliament assembled, do claim, protest, and avow for Truth, the Sense enter into a of the Articles of Religion which were established Vow.
by

An. 1628. by Parliament, in the thirteenth Year of our late Queen Elizabeth, which by the publick Act of the Church of England, and by the general and current Expositions of the Writers of our Church, have been delivered unto us. And we reject the Sense of the Jesuits and Arminians, and all others wherein they differ from us.

*Both Houses
petition the
King for a
Fast.*

*The King's
Answer.*

30 Januar. 1628. Both Houses joined in petitioning the King for a Fast, to seek Reconciliation at the Hands of Almighty God for a happy Success in the great Affairs of Church and State, about which they were to consult, and for a perfect and happy Union and Agreement between his Majesty and the Estates of this Realm; and for diverting the Miseries of the Reformed Churches abroad, and those Punishments already inflicted, and which were like to fall upon themselves.

The King answered, That the deplorable condition of the Reformed Churches abroad is too true, and we ought to give them all possible help; but Fighting would do them more good than Fasting, tho he did not wholly disallow of the latter; yet this custom of fasting every Session was but lately begun, and he was not satisfied with the necessity of it at this time, yet he willingly granted them their Request, but it should not hereafter be brought into Precedent except upon great Occasions.

Soon after the Commons presented to the King a Declaration to this effect:

*The Commons
Declaration to
give precedence
to Religion.*

That they had within these three days received his Message for their present entring upon the consideration of a Grant of Tunnage and Poundage: But the manner of possessing the House therewith being disagreeable to their Orders and Privileges, they could not proceed therein. That they cannot but express their Trouble to be enforced to spend that Time in Apologies, which might be spent in the Service of his Majesty and the Commonwealth. That finding the extreme Dangers wherewith our Religion is threatned, they think
they

they cannot without Impiety to God, Disloyalty to his Majesty, and Unthankfulness to those who have trusted them, retard their Proceedings until something be done to secure them in this main Point. They acknowledg his Majesty's pious Intentions, to suppress both Popery and Arminianism, the one an open Enemy, the other a subtil Underminer of the Religion establish'd; which his Majesty hath declared his constant Resolution to maintain, tho his gracious Purposes are therein crossed: Wherefore as well for Dignity and Necessity of the Matter, as for that they conceive it the most effectual way by uniting their Hearts and Endeavours to dispatch other Business, which may seem more immediately to respect his Majesty's Profit; they pray their Resolutions of preferring this before all other Matters, may be acceptable to his Majesty.

Whereunto the King answer'd to this effect: *The King's Answer*
That this gave no Satisfaction; and he cannot think that they would take from their Members the Privilege to bring in any Bill whatsoever; or that they coming together by his Power, and to treat of things that he propounded to them, can deny him the Prerogative to commend or offer any Bill to them, tho this Bill was not to have been offered to them in his Name. That he must either want Power, or be very ill counselled, if Religion be in so much danger as they affirm: And he desires the Bill of Tunnage and Poundage may be dispatch'd, to put an end to the Questions that have arisen between him and some of his Subjects; and thinks it strange that this Business of Religion should only be a hinderer of his Affairs, when all other things go according to their ordinary Course: Therefore he is instant with them to proceed with Tunnage and Poundage; and they must not think it strange, if he quickens them as he shall find cause.

Hereupon Secretary Cook said, That at the presenting the Bill he told 'em, his Majesty much desired it, but not that he commanded it.

An. 1628.

Debate about
the King's de-
claring against
Disputes con-
cerning Religion.

February 4. The House fell into debate of the King's Declaration, prohibiting Disputing or Preaching about the controverted Points; and it was alleged, that the end was to suppress the Puritan Party, and to give Liberty to the contrary Party: That Bishop *Laud* and *Mountague* had advised the King to it: That the Attorney General had a Warrant to draw up a Pardon for *Mountague* only, and he put four into the Pardon, viz. *Mountague*, *Cosens*, *Sibthorp* and *Manwaring*.

Mr. Rolls sit-
ting in Parlia-
ment, served
with a Sub-
pena.

February 10. While the House was in debate, the Warehouse of Mr. *Rolls* (a Member of the House) was locked up by a Pursivant, and himself called forth and served with a *Subpena*: This occasioned smart Debates in the House, and it was moved the Messenger might be sent for, and examined by whose procurement this *Subpena* was taken forth. Sir *Humphrey May*, a Privy-Counsellor, assured the House that this proceeded not from King or Council. This was cleared by a Letter to Mr. *Rolls* from the Attorney-General, who assured him that the serving the *Subpena* was a mistake. But Sir *John Wolstenholme*, Mr. *Daves* and Mr. *Carmarthen*, were ordered to appear at the Bar of the House; and it was reported to the House, That Mr. Attorney, notwithstanding his Letter, gave order for the Process against Mr. *Rolls*.

Cleared.

The Customers
summoned to
appear.

The Merchants
Petition.

Februar. 12. Several Merchants represented, that not only their Goods were seized, but Informations preferred in the *Starchamber* against them.

Mr. Noy.

We cannot safely give, unless we be in possession, and the Proceedings in the *Exchequer*, the Information in the *Starchamber*, and that annexed to the Petition of Right annulled, with a Declaration in the Bill, that the King hath no Right but by our free Gift.

Barons of the
Exchequer sent
to.

Hereupon the Barons of the *Exchequer* were sent unto to make void their Injunction and Order for the stay of the Merchants Goods.

Their Answer.

Whereunto the Lord-Treasurer, Chancellor, and Barons, answered, That they did not by their

their Orders and Injunctions, determine or touch upon the Right of Tunnage and Poundage, or bar the Owners to sue for their Goods in a lawful Course; but they endeavouring to take them out of the King's actual possession, by Writs or Plaints of Replevin, which is no lawful course in the King's Case, nor agreeable to his Royal Prerogative, did, by those Injunctions, stay the said Replevins.

But this their Answer, instead of Satisfaction, was look'd upon by the House as a Justification of their Proceedings; and a motion was made to consider, Whether the Court of Exchequer held this Course before for staying of Replevins.

A Report was made from the Committee concerning the Pardons granted by the King since the last Session; that *Sibthorp* and *Cosens* solicited their own Pardons, but 'twas said, the Bishop of *Winchester* would get the King's Hand to them. That the said Bishop promised the procuring of *Mountague's* Pardon, and got the King's Hand to *Manwaring's* Pardon.

Mr. Oliver Cromwell being of the Committee, inform'd the House what Countenance that Bishop gave to some Persons (whom he named) that preach'd flat Popery, and how by his means *Manwaring* (who by Censure of the last Parliament was disabled) was preferred to a rich Living.

A Petition was preferred by the Booksellers and Printers, complaining of the Restraint of Books against Popery and Arminianism, and sending for them by Pursivants; and the contrary allowed of, and licensed by *Dr. Laud* Bishop of *London*. Whereupon *Mr. Selden* said, there was no Law to prevent Printing, but only a Decree of the Star-chamber; and he advised that a Law might be made concerning it.

An Information being preferred in the Star-chamber against *Richard Chambers* and others, for some Matters concerning their refusal to pay Tunnage and Poundage; the Commons referred it to a Committee to consider, Whether they having a

An. 1628. Petition depending in Parliament to be protected against those Proceedings, they ought not to be privileged; and Sir *William Acton*, Sheriff of London, being examin'd before the Committee about the Customers, and not answering clearly, the House committed him to the *Tower*. Mr. *Selden* citing a Case where both the Sheriffs were committed by this House.

Priests taken at Clerkenwel. *Febr. 13.* Of the ten Popish Priests taken at their College about *Clerkenwell*, but one only being condemned, and the other nine released; and the House entring into the Examination thereof, Secretary *Cook* declar'd, That his Majesty having notice of that College, and referring it to the Council, they sent them to *Newgate*, and order'd Mr. Attorney to prosecute them. Whereupon every Member was order'd to declare his knowledge of what means had been used for stay of prosecution of Recusants; and Persons were sent to Mr. Attorney to examine him. And Mr. *Long* a Justice of Peace being examin'd, said, he apprehended them, and heard they were delivered out of *Newgate* by Mr. Attorney's Order. That there were found Books of Account of 300 *l. per Annum*, allow'd towards the maintenance of this College, which are in the hands of Secretary *Cook*. And the Committee reported, that the condemned Priest was reprieved by a Warrant from the King (which Secretary *Cook* acknowledged) and the other nine Priests released by Warrant from Mr. Attorney. And the House sent some of their Members to the Judges, to know why those Books and Papers were not made use of at the Sessions.

Mr. Attorney's Answer about the Priests. The Committee sent to Mr. Attorney, reported his Answer, viz. That by the Council's Order he sent all the Persons taken in *Clerkenwel* to *Newgate* from several Prisons, and directed Indictments against them as Priests. That he took the Witnesses Informations, and desir'd Mr. *Long* to take care thereof at the Sessions; but he was not directed by the Order to go thither himself: Never heard

heard of any Lands conveyed to their Use, only some general mention made thereof in their Papers; but he took care (according to the Council's Directions) by an Inquisition found and returned, to intitle the King to the Goods. That the Indictment was found only against one: That he had Warrant from his Majesty to bail them; but for the manner of it, he must first acquaint the King therewith: That he directed Mr. Long, that if the Indictment should not be found for Treason (three of them being only for Treason) the Oath of Allegiance should be tendred to them and the rest, which was ministred to them accordingly; the Bail-Bonds he keeps for his own security. That he left it to Mr. Long to indict them for Treason, either as Priests or Jesuits; that he bound them to appear at the Council-Table, because he received his first Directions from thence.

And being again sent unto for a clearer Answer, he said, For the Warrant he receiv'd for their Discharge, and the Bonds he took of them, he had attended his Majesty, but had no leave as yet to shew them.

Februar. 19. Mr. Daves one of the Customers being called in for a Breach of Privilege, in taking Mr. Rolls's Goods: He said, he took them by virtue of a Commission under the Great Seal, and conceiv'd Mr. Rolls's Privilege extended only to his Person. That he took his Goods for Duties due in King James his Time, and the King had commanded him to make no other Answer. And Mr. Carmarthen, another of the Customers, being called in, he said, he told Mr. Rolls, he did not find any Parliament Man exempted in their Commission; and being ask'd whether he said, If all the Body of the House were in him, he would not deliver his Goods? he said, he would not, because he could not.

It is high time for us to vindicate our selves, Mr. Selden. else it is in vain for us to sit here.

*An. 1628.**Mr. Noy.*

The Customers had neither Commission nor Command to seize, therefore the House may proceed safely to the Question, that their Privilege is broken by the Customers.

A Message from the King about the Customers.

February 23. Secretary Cook brought a Message from the King, That what the Customers did was by his own Command at the Council-Board, and he cannot in Honour see his Interest sever'd from that of the Customers.

The King's and Councils Order concerning them.

This Message was grounded upon an Order of Council the day before, wherein his Majesty takes notice of the Respect used by the Committee to sever the private Interest of the Customers from his; but declares, that what they did was by his own Direction and Command; and that they could not suffer without his high Dishonour.

The King's Commission to the Customers.

The Commission was to this effect: That the Council having ordered Tunnage and Poundage to be levied, as they were in the 21st Year of King James, and as they should be appointed by his Majesty under his Seal; his Majesty declares they shall be levied and collected accordingly. And if any Person refuses to pay, the Lord-Treasurer should commit him to Prison till he conformed himself: And he commanded all to assist his Farmers as fully as when they were collected by Authority of Parliament.

Resolve about Mr. Rolls.

And soon after the Grand Committee resolved, That Mr. Rolls a Member of the House ought to have privilege of Person and Goods; but the Command of the King is so great, that they leave it to the House; which was reported.

Sir Humphrey May.

We have Oil and Vinegar before us; if you punish the Customers as Delinquents, there is Vinegar in the Wound; think rather of some Course for Restitution.

Others moved to go to the Delinquency of the Men.

Sir J. Elliot. Lord Weston died a Papist.

Sir John Elliot nam'd Dr. Neal Bishop of Winchester, and the Lord-Treasurer, in whose Person, said he, all Evil is contracted; these break Par-

Parliaments, lest Parliaments should break them.

Then the Speaker being moved to put the Question proposed, he said he was otherwise commanded by the King.

Dare not you, Mr. Speaker, put the Question when we command you? Then we must sit still, and they that come after you may say the same.

Hereupon the House adjourned till *February 25*. When by the King's Command both Houses were adjourned till *March the 2d*. And then the Commons met, and urged the Speaker to put the Question, who said, He had a Command from the King to adjourn till *March the 10th*, and put no Question: And endeavouring to get out of the Chair, was held by some till this Protestation was publish'd in the House.

1. Whoever shall seek to introduce Popery, or Arminianism;

Or, 2. advise the levying of Tunnage or Poundage, not granted by Parliament; or be an Actor therein, shall be reputed a Capital Enemy to the Kingdom and Commonwealth.

3. If any shall voluntarily pay Tunnage and Poundage, not granted by Parliament, he shall be reputed a Betrayer of the Liberties of *England*, and an Enemy thereunto.

Hereupon the King sent for the Serjeant of the House, but he was detained: Then he sent the Gentleman-Usher of the Lords House, who was refused admittance till the Votes were read; and then the House adjourned till *March the 10th*. But the King by Proclamation, dated *March the 2d*, but not published till *March the 10th*, declared the Parliament dissolved. The Passages of this Day are more fully related in the Information in the King's Bench.

The Proclamation was to this effect: That he had had several just Causes of Offence, by the Malevolent Dispositions of some of the House of Commons; yet he resolved to try the uttermost, for that there were in that House a number of sober and grave Persons well affected to Religion

4 Car.

The Speaker refuses to put the Question.

Mr. Selden.

The Speaker again refuses.

Protestation while the Speaker was held in the Chair.

Proclamation for dissolving the Parliament.

An. 1628.

Several Mem-
bers of Parlia-
ment summon'd
before the
Council.

A Proclamation
for apprehend-
ing others.

The King's
Speech.

He dissolves
the Parlia-
ment.

The People
discontented.

and Government: But by the seditious Carriage of those ill-affected Persons, his Regal Authority hath been so highly contemned, that he can bear it no longer; and therefore he dissolves the Parliament.

The day following the Council command Denzil Hollis Esq; Sir Miles Hobert, Sir John Elliot, Sir Peter Hayman, John Selden Esq; William Coriton, Walter Long, William Stroud, and Benjamin Valentine, to appear before them on the morrow. And Mr. Hollis, Sir John Elliot, Mr. Coriton, and Mr. Valentine appearing, and refusing to answer out of Parliament, what was said and done in Parliament; they were committed to the Tower, and Warrants issued for sealing up the Studys of Mr. Hollis, Mr. Selden, and Sir John Elliot; and a Proclamation for apprehending Mr. Long and Mr. Stroud.

March 10. The King came to the House of Lords, (several of the Commons being below the Bar, but not their Speaker, nor were they called) and spake to this effect:

That he chose to come himself to dissolve the Parliament, that he might declare to them and all the World, that it was the seditious Carriage in the Lower House, that hath caused this Dissolution. As for the Lords, he took great comfort in their dutiful Demeanour; and there were in the Lower House as dutiful Subjects as any in the World, it being only some few Vipers that cast a Mist over most of their Eyes, who must look for Punishment, as the Lords may justly expect his Favour and Protection. Then he bid the Lord-Keeper do as he had commanded him; and the Lord-Keeper declared the Parliament dissolved.

The Discontents of the common People were heightned by this; and two threatening Libels against Bishop Land, and Lord-Treasurer Weston were found some few days after.

Not long after the King publish'd a Declaration of the Causes of his dissolving the last Parliament, to this effect: *

That

The King's Declaration for dissolving the Parliament.

That howsoever Princes are not bound to give account of their Actions but to God alone; yet for the satisfaction of his loving Subjects, he hath thought good to declare, That he assembled his Parliament *March 17. 3 Car.* for the Safety of Religion, and securing his Kingdom and Subjects at home, and his Friends and Allies abroad. That he declares to them the miserable Estate of those of the Reformed Religion, his Uncle the K. of *Denmark* being chased out of a great part of his Dominions, the Strength of the contrary Party, and (besides the Pope and House of *Austria*) the *French* King's Profession to root out the Reformed Religion, and the Weakness of the Princes and States on our Party. Upon which Motives he propounded a speedy and sutable Supply. The House of Commons agreed to grant a liberal Aid; but before the Bill passed, were diverted by a multitude of Questions touching their Liberties and Privileges, and other long Disputes, whereby his Affairs were ruined. And the Commissioners and Assessors have returned up the Subsidies infinitely short of his Occasions, and of former Precedents. In those large Disputes he suffered many of his high Prerogatives to be debated; altho by Speeches and Messages he did declare his Resolution to maintain the Parliament and People in their antient and just Liberties, and confirmed the same by his Answer to their Parliamentary Petition. The Commons desiring him to appoint a Time for their Recess, not naming either Adjournment or Prorogation; he prefixed a Day for a Prorogation to make a Session, and gave order for a Pardon, which passed the Higher House, and was sent down to the Commons. But this Prorogation (because some of them afterward declared for an Adjournment) raised such a Heat and Distemper, as hath been seldom seen in that House. And some Glances there were in the House, and Rumours spread abroad, That by his Answer to their Petition he had given away Tunnage and Poundage, when in the Debate of that

An. 1628. that Petition in both Houses, there was never any mention of those Impositions: And other Misinterpretations were raised of that Petition and Answer, as if by his said Answer he had let loose the Reins of his Government. And the House of Commons laying aside the Pardon (a thing never done before) and other Business, contriv'd a Remonstrance against his receiving Tunnage and Poundage, and design'd to put it to the Vote before the ending of that Session; which he prevented, by ending it some few hours sooner than was expected; and for hindering such sinister Interpretations of that Petition and Answer, gave some necessary Directions for settling and quieting his Government. The Session ended, that Remonstrance gave him occasion to look into the Business of Tunnage and Poundage; and upon the search of Records, it was found that altho Tunnage and Poundage was not granted to King *E. 4.* by the Parliament in his 1st Year, but by that in his 3^d Year, yet it was answered to him from the 1st Day of his Reign: And that in the succeeding Times of King *R. 3. H. 7. H. 8. E. 6. Q. M. and Q. E.* it was enjoyed by them from the Death of each of them deceasing; and cheerfully granted them by Parliament in the beginning of every of those Reigns (tho for the most part peaceable) and his Royal Father enjoyed the same above a Year before the Act of Parliament passed, and yet granted without difficulty. And in his own time he quietly received the same three Years and more, expecting the like Grant thereof; and the House of Commons professed, that only multitude of Business had hindred the settling thereof. And in four several Acts of Parliament for the granting thereof to King *E. 6. Q. M. Q. E.* and his Blessed Father, it is expressly mention'd to have been enjoy'd by the several Kings named in those Acts, time out of mind, by Authority of Parliament. And for these Reasons he hath continued the Receit thereof: Wherefore when a few Merchants (at first but one or two) fomented by those

those evil Spirits that would have hatched that Remonstrance, opposed the payment thereof ; he ordered the Officers of his Customs to go on in receiving it, and caused the Refusers to be warned to attend at the Council Board, where some of them behaved themselves with such insolence of Speech, as was not be endur'd by a far meaner Assembly. That having a full intention on his part to take away all Misunderstanding between himself and his People ; and finding much Exception taken at a Book intituled *Appello Casarem*, published in 1625. by *Richard Mountague* now Bishop of *Chichester*, it opening the way to those Schisms and Divisions that have since ensued in the Church, he not only called in that Book by Proclamation, but reprinted the Articles of Religion established in the time of Queen *Elizabeth* ; and by a Declaration before them restrained all Opinions to the sense of those Articles. And he shall not give way to the authorizing of any thing, whereby any Innovation may creep into the Church. That he issued his Proclamation for the execution of the Laws against Priests and Popish Recusants ; which if it hath not succeeded according to his Intention, he must lay the Fault on the Subordinate Officers and Ministers in the Country, by whose remissness Jesuits and Priests escape without apprehension, and Recusants from those Penalties the Laws and his Command would have inflicted on them. That he hath not been unmindful of the preservation of the just and ancient Liberties of his Subjects, secured to them by his Answer to their Petition in Parliament, which he will keep entire and inviolable, having for that end inrolled the Petition and Answer in his Courts of Justice. That he did his best for the well-ordering the Supply granted him the last Session, whereof no part hath been wastfully spent, but upon payment of his Fleet and Army, tho to the discontent of his Friends, Allys, and nearest Servants. With part of those Monies he hath also supply'd his Magazines and Stores of Munition, and

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and put his Navy into a constant order. His Fleet also is almost in a readiness. That these things, which were the chief Complaints the last Session, being reformed, the Parliament reassembled the 20th of January last; where some few malicious Persons endeavoured to make new work: And yet to manifest how Offences have been diminished, their Committees have receiv'd few Complaints, and those of no moment or importance. No sooner was the Parliament set down, but these ill-affected Men began to sow and disperse their Jealousies: That the Subject had not been well dealt with touching the Petition answered the last Session. For the very next day a Committee was appointed to search, whether the Petition and Answer were inrolled in the Parliament-Roll, and in the Courts at *Westminster*, and in what manner: And a Day appointed for the House to resolve into a Committee to consider wherein the Subjects Liberty had been invaded against the Petition of Right. And when they observed that many honest and religious Minds in that House complained of the Dangers that threatened the Church, their cry likewise was, *Templum Domini*, when the true Care of the Church never came into their Hearts, but was done to deprave his Government, as if He, his Clergy and Council, were senseless or careless of Religion, and to make him seem as if he halted before God. That a Day being appointed to treat of the Grant of Tunnage and Poundage, all expressed great willingness to grant it. But a new strain was found out, that it could not be done unless he would disclaim any Right therein but by Grant in Parliament, and would cause all the Goods to be restored, which by his own or the Councils Command were staid by his Officers until the Dutys were paid, so to put himself out of possession before they were granted. A Cavil raised to perplex the Business, it being evident that all the Kings before-named were in actual possession of that Duty, when and before it was granted them by Parliament.

liament. And tho from his own Mouth he declar'd to them, That it was his intent to enjoy it by the Gift of his People, and did not challenge it of Right, but took it *de bene esse* (wherein he descended far beneath himself) yet the Bill of Tunnage and Poundage was delay'd, on pretence they must first clear the Right of the Subject, and entertain the Complaints of *John Rolles*, a Member of their House, *Richard Chambers*, *John Fowkes*, and *Bartholomew Gilman*, against the Officers of the Customs for detaining their Goods; whom they sent for, made them daily attend for a Month together, and produce their Letters Patents, and the Council's Warrants for levying the Dutys, and examin'd them upon what Questions they pleased to entrap them; all which he endured with much patience. That that House hath set up General Committees for Religion, Courts of Justice, Trade, &c. (a course unheard of till of late) to make inquiry upon all sorts of Men: Young Lawyers sitting there, decry the Opinions of the Judges; and some have maintain'd, that the Resolutions of that House must bind the Judges. They have sent to examine his Attorney-General (an Officer of Trust and Secrecy) touching the execution of his Commands. They sent a captious and directory Message to the Lord-Treasurer, Chancellor, and Barons of the Exchequer, touching some judicial Proceedings of that Court. They sent to examine the two Chief Justices, and three other Judges, touching their Proceedings at the Goal-delivery of *Newgate*. They resolved that *Richard Chambers*, *John Fowkes*, *Bartholomew Gilman*, and *Richard Philips* (against whom Suits were commenced by the Attorney-General for great Misdemeanours) were to have Privilege of Parliament for their Persons, merely because they had Petitions depending in that House; and that it should be signified by a Letter to the Lord-Keeper, that no Attachments should be granted out against them (altho such Letter was not sent). Whereas it is far above the Power of that House

to

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to give such Directions to any Court at *Westminster*, the Breach of Privilege being not in the Court that Grants, but in the Party that executes such Attachments. Nay, they went so far as to examine the Proceedings of the Council-Board in the Case of the Customers, interrogating what this or that Man of the Council said: And when one of their Members said, we had wicked Counsellors; and another, that the Council and Judges sought to trample under-feet the Liberty of the Subject; and a third traduced the Star-Chamber for the Sentence against *Savage*, they passed without Censure. They examined the Sheriff of *London* in a Cause whereof they had no Jurisdiction, which extends only to their own Members, and to their Privileges; and for not answering to their Satisfaction, committed him to the *Tower*. They went about censuring the Customers as Delinquents for staying the Goods of some factious Merchants for not paying those Duties to which the Customers were authorized under the Great Seal, and by directions from him and his Privy-Council. They set up a new Privilege (which he would never admit of) that a Parliament-man hath Privilege for his Goods against the King. And when they would have sever'd his Interest from that of the Farmers of the Customs, to make them liable to the Censure of that House; he sent them a Message by Secretary *Cook*, that he could not in Honour suffer it, for what they did by his expresse Command, they in a tumultuous manner cried, *Adjourn, Adjourn*, and adjourned till the Wednesday following. On which Day he caused both Houses to be adjourned until *March* the 2d, hoping in the mean time a right Understanding might have been between him and the Commons. And when he would for the same purpose have adjourned both Houses till the 10th, which the Lords House obeyed, his Command was contemptuously disobey'd by the Commons; some of whom said, They had Business to do before they adjourned. [Here are
men,

mention'd the Passages concerning the Members de-
 portment in the House, related in the Informa-
 tion in the Star-Chamber, herein after set forth,
 against Sir *Miles Hobert*, &c. to which the Rea-
 der is referred.] While the Duke of *Buckingham*
 lived, he was intitled to all the ill Events of for-
 mer Parliaments: But now he is dead, no altera-
 tion was found among those envenomed Spirits,
 who suggest new and causeless Fears which they
 know to be false; so that the Duke was not the
 only Mark they aimed at, but taken up by the by
 in their passage to their more secret Designs,
 which are to abate the Powers of the Crown, and
 to bring his Government into obloquy. These
 Disasters are not to be imputed to the whole
 House of Commons; but the better part was over-
 born by the Clamours of the other. That these are
 the Causes he had to dissolve this Parliament.
 Whereby the World may see how much they
 have forgotten their former Engagements, when
 they promised to make him feared by his Enemies,
 and esteemed by his Friends. That he reserves
 the punishment of these evil Men to a due time:
 But will maintain the Religion and Doctrine of the
 Church of *England*, and his Subjects, in their an-
 tient and just Rights and Liberties. Yet withal,
 he expected they should yield as much submission
 to his Royal Prerogative and Commands, as was
 perform'd to the greatest of his Predecessors. He
 would not have his Ministers terrify'd, but he ex-
 pects they should obey him, and he would protect
 them. As for the Merchants, he conceives no du-
 tiful Subject will deny him the Duty of Five in
 the Hundred for guarding of the Seas, and De-
 fence of the Realm (which Duty hath continued
 so many Ages.) And if any factious Merchant will
 affront him, he shall find Means to vindicate his
 Sovereignty, and preserve the Authority God
 hath put into his hands. He concluded, That all
 wise and discreet Men may judg of those Ru-
 mours and Fears maliciously spread abroad,
 and may discern whether the Happiness of this
 Nation

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Nation can be parallel'd by any of our Neighbour Countries.

Questions propounded to the Judges concerning the Imprison'd Members, and their Answers.

The King resolving to proceed against the imprisoned Members, the Judges met by his Command; and they resolved, That the Statute of 4 H. 8. 4. concerning *Richard Strode*, was a private Act, and extended only to him, and those that had joined with him, but was no more than the Privilege all other Parliament-men ought to have, viz. Freedom of Speech concerning Matters debated in Parliament.

Monday following they met again, and these Questions were proposed by Mr. Attorney.

Q. 1. Whether if any Subject hath receiv'd probable Information of any Treason, or treacherous Attempt against the King or State, he ought not to make known the same to the King or his Commissioners when required? And whether if he refuses to be examined, it be not a high Contempt punishable in the Star-Chamber? Sol. It is an Offence punishable as aforesaid, so it doth not concern himself but another.

Q. 2. Whether it be a good Excuse for his refusing to answer, to say, That he was a Parliament-man, when he received this Information, and that he spake thereof in the Parliament-house? Sol. This being in the nature of a Plea, he is not punishable for it until he is over-ruled in an orderly manner to make a better Answer, and that whether he be brought in *ore tenus*, or by Information.

Q. 3. Whether a Parliament-man, after the Parliament ended, may be punished for an Offence against the King or Council not in a Parliamentary way? Sol. He may, if he be not punish'd for it in Parliament: But he cannot be compelled out of Parliament to answer things done in Parliament in a Parliamentary course.

Q. 4. If one Parliament-man resolve, or two or three conspire to raise false Slanders and Rumors against the Council and Judges, not to question them in a Parliamentary way, but to bring

bring them into hatred of the People, and the Government in contempt, he be punishable in Star-Chamber after the Parliament ended? *Sol.* 'Tis an exorbitant Offence, beyond the Office of a Parliament-man, and punishable out of Parliament.

Q. 5. Whether if a Man in Parliament, and not upon any occasion arising there, say, The Council and Judges had agreed to trample upon the Liberty of the Subject, and Privileges of Parliament, he be punishable? But as to this the Judges desired to be spared, because it concerned themselves.

The next Day Mr. Attorney put them another Case, *viz.* If a Parliament-man, call'd *ore tenus* before the Starchamber, refuse to be examined about things done by another, and not himself, and plead he has Privilege of Parliament, Whether this Plea shall not be over-ruled? *Sol.* It's the justest way, not to proceed *ore tenus*; for it being a Point of Law, it is fit to hear Counsel, which is not admitted upon an *ore tenus* in the Starchamber.

Mr. *Stroud* and Mr. *Long* having brought their Writs of *Habeas Corpus*; it was return'd, That they were committed by Warrants from twelve of the Privy-Council, signifying his Majesty's pleasure, they should be kept close Prisoners till other Order from the King, or that Board. And they were detained by Warrants under his Majesty's Hand, signifying they were committed for notable Contempts against Him and his Government, and for stirring up Sedition against him, commanding them to be detained and kept close Prisoners until his further Pleasure be known. Mr. *Ask* of the Inner-Temple for Mr. *Stroud*, and Mr. *Mason* of *Lincolns-Inn*, argued against the Sufficiency of the Return.

May 7. The before mention'd Information was exhibited in the Starchamber by Sir *Robert Heath* Attorney-General against the Members, to this effect:

FF

That

Writs of Habeas
as Corpus for
Mr. Stroud and
Mr. Long.
The Returns?

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Information a-
gainst 9 Mem-
bers of the
House of Com-
mons.

That whereas the Power of summoning and assembling of Parliaments, and of continuing, proroguing, adjourning and dissolving thereof, is the undoubted Right of his Majesty, and the Liberty and Freedom of Speech which the Members of those Houses have, ought to be limited and regulated within the bounds of Moderation and Modesty, and of that Duty Subjects owe their Sovereign. And whereas his Majesty summoned a Parliament at *Westminster* the 17th of *March*, *Anno Tertio*, which continued by Prorogation until the 20th of *January*, from which Day they continued sitting until the 25th of *February* following: During that time, sundry Diversions and Interruptions were made, and unjust Jealousies raised by the ill-affected Members of the House of Commons. And Sir *John Elliot*, one of the Members of that House, did openly affirm therein, That his Majesty's Privy-Council, all his Judges, and his Counsel Learned, had conspired to trample under their feet the Liberties of the Subject, and the Privileges of that House. And when his Majesty signify'd his Pleasure on the said 25th of *February* to the said House, that they should be adjourned to the 2d of *March*; the said Sir *John Elliot*, *Denzil Hollis Esq*; *Benjamin Valentine Gent*. *Walter Long Esq*; *William Corriton Esq*; *William Strode Esq*; *John Selden Esq*; *Sir Miles Hobert*, and *Sir Peter Hayman*, all then Members thereof, conceiving his Majesty would speedily dissolve that Parliament, conspir'd how, before such Dissolution, they might raise such false and scandalous Rumours against his Majesty's Government and Counsellors of State, that thereby they might disturb the said Government, interrupt Trade, discourage the Merchants, and raise Jealousies that the True Religion was neglected. And in pursuance thereof the said Sir *John Elliot*, with the Privy and Consent of the said other Confederates, did prepare a Writing containing false and scandalous Assertions touching his Majesty's Government, and the Persons of
divers

divers of the Privy-Council, which they agreed should be publickly read in the House of Commons, to expresse their Malice and Disaffection to his Majesty and his Government. And when Sir *John Finch* their Speaker on the 2d of *March* declar'd to them, It was his Majesty's Pleasure they should be presently adjourn'd to the 10th of the same Month, without any further Speech at that time, and that if any disobey'd, he must leave them and wait upon his Majesty : And the greatest part of the Members of that House would have given Obedience thereunto, as the Lords had done upon signification of his Majesty's Pleasure the same Day ; yet the said Sir *John Elliot*, by the Confederacy aforesaid, in contempt of his Majesty's Command, stood up, and several times offered to speak. Whereupon the Speaker endeavouring to go out of the Chair, the said *Denzil Hollis* and *Benjamin Valentine*, violently held the Speaker therein : And he having got out of the Chair, the said *Denzil Hollis* and *Benjamin Valentine*, by strong hand, thrust him into it again. And then Sir *John Elliot* standing up, said, They had prepared a Declaration of their Intentions, which he hoped would agree with the Honour of the House, and the Justice of the King ; and then threw it into the Floor of the House, desiring it might be read : And the Confederates cried out to have it read, but others opposed it. And the said *William Corriton* demeaned himself so passionately, that he struck *Winterton* Gent. a Member of that House : And several of the Members endeavouring to get out, the said Sir *Miles Hobert* lock'd the Door and kept the Key, and imprison'd the Members against their wills. And the said *William Stroud* earnestly urged the reading of the said Declaration, to the end (said he, in contempt of his Majesty) we may not be turned off like scattered Sheep, and sent home as we were last Session, with a Scorn put upon us in print, meaning what his Majesty spake at the ending the last Session, and caused to be printed.

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He moved also that all who would have the said Paper read, should stand up; which several did, and *Stroud* among others: And the said *Sir Peter Hayman* roughly reproached the Speaker for not putting the reading thereof to the Question, and told him, He was made an Instrument to cut up the Liberty of the Subjects by the Roots. And the said *John Selden* moved, that the Clerk of the House might read the same. But when *Sir John Elliot* found that they could not get the Paper read, he took it back, and said, He should express that by Tongue which the Paper should have done: he said, Among the ill Instruments in the State, there were some Prelates of the Church, the Bishop of *Winchester* and his Fellows. He named likewise the Lord Treasurer, in whose Person was contracted all they suffered; he said, he found him building upon the Ground laid by his Master the Duke of *Buckingham*. He feared, from him came those ill Counsels whereby the last Session was so unhappily concluded, and from him the danger of our Religion; and the great Question of Tunnage and Poundage, to invite Strangers to come in to drive our Trade, or our Merchants to trade in Strangers Bottoms. He moved all should be declared Capital Enemies, that will perswade the King to take Tunnage and Poundage without Grant of Parliament, and the Merchants that pay it Accessaries to the other; which he spoke to blast those Persons against whom he had conceived Malice, for the same Day he said, That no Man was ever blasted in that House, but a Curse fell upon him. And the said *Walter Long* then and there said, That Man who shall give away my Liberty and Inheritance (I speak of the Merchants) I note him for a Capital Enemy to the Kingdom. And the said *Denzil Hollis* having collected into several Heads what *Sir John Elliot* had delivered out of that Paper, said, Whosoever shall counsel the taking of Tunnage and Poundage without an Act of Parliament, let him be accounted a Capital Enemy to the King and King.

Kingdom. And further, what Merchant soever shall pay Tunnage and Poundage without an Act of Parliament, let him be accounted a Betrayer of the Liberty of the Subjects, and a Capital Enemy of the King and Kingdom. And tho neither Speaker, nor sitting in the Chair in a Committee, he put these things to the Question, and drew from his Confederates an Applause and Assent, as if voted by the House. That when *Edward Grimstone*, the Serjeant at Arms then attending the Speaker of that House, was sent for by his Majesty, the said Confederates forcibly kept him lock'd up in the said House. And when *James Maxwell Esq;* the Gentleman-Usher of the Black-Rod, was that Day sent from his Majesty with a Message to the said Commons House, the Confederates refused to open the Door and admit him. After which that House was adjourn'd until the 10th of *March*, and then the Parliament was dissolv'd.

An Information was likewise preferred in the Starchamber against *Richard Chambers* of London Merchant, setting forth the great Privileges the Merchants had in paying moderate Dutys; and that the raising and publishing of undutiful and false Speeches, tending to set Discord between King and People, are Offences of dangerous Consequence. Nevertheless the said *Richard Chambers*, being call'd to the Council-Board about some Matters relating to the Customs, there utter'd these seditious words, That the Merchants are in no part of the World so screwed and wrung as in England; and that in Turkey they have more incouragement.

Mr. *Chambers* answer'd, That having a Case of Silk-Grograms brought from *Bristol* by a Carrier to *London*, worth 400 l. they were seized by some Inferior Officers of the Customs, tho he offer'd to give Security to pay such Customs as should be due by Law. That he had been otherwise injur'd by the said Officers, and instanced in several Particulars. He confessed that through his great sense

Information against Mr. Chambers.

His Answer.

An. 1629. thereof he said before the Council, That the Merchants in *England* were wrung and screwed more than in Foreign Parts; which words were spoken only in the presence of the Privy-Council, and not abroad to stir up Discord: That when he understood a hard construction was made of them, he, by Petition to the Council, endeavour'd to explain his meaning, but was sent to the *Marshalsea*, and there petitioned them again; but they would not accept of his Explanation.

His Sentence.

May 6. 1629. The Cause was heard, and the Court being of Opinion that the words spoken were a comparing his Majesty's Government with that of the *Turks*, to make the People believe it may be termed *Turkish Tyranny*, fined him 2000 *l.* sentenced him to stand committed to the *Fleet*, and to make submission at the Council-Board, in the Star Chamber, and at the Royal-Exchange. The Court differ'd in opinion about the Fine: The highest proposed was 3000 *l.* for which were *Neal* Bishop of *Winchester*, * *Laud* Bishop of *London*, *Carlton* Secretary of State, the Earls of *Dorset*, *Suffolk*, and *Arundel*, *Montague* Lord Privy-Seal, and *Weston* Lord-Treasurer. The lowest was 500 *l.* for which were *Sir Francis Cottington* Chancellor of the Exchequer, and *Richardson* and *Hide* Chief-Justices. The Copy of which Submission was sent by Mr. Attorney-General to the Warden of the *Fleet*, the substance whereof was, for him to acknowledg, that he spoke the words in an insolent, contemptuous and seditious manner, and falsely and maliciously: That his Sentence was just, and he heartily sorry for speaking the words, and beseeched their Lordships to be his Intercessors to his Majesty to pardon his great Error and Fault.

*A Submission
render'd him.*

* *Mr. Chambers, when Bp Laud was beheaded, was one of the Sheriffs of London, and assisted upon the Scaffold in his Formalities.*

But

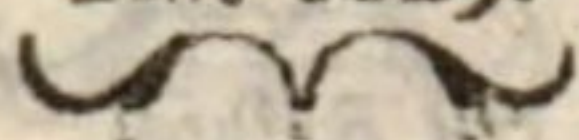
But when Mr. *Chambers* had read it, he thus subscribed it: All the abovesaid Contents and Submission I *Richard Chambers* do utterly abhor and detest, as most unjust and false, and never to death will acknowledg any part thereof; *Richard Chambers*. And then he underwrit several Texts of Scripture against Oppression, rash Judgment, and making a Man an Offender for a word, and set his Name thereunto.

5 Car.
His Refusal.

And there being a Writ directed to the Treasurer, and Barons of the Exchequer, for the levying the said Fine of 2000 *l.* which was found in the Great Roll of 5 Car. the said *Richard Chambers* pleaded in discharge thereof, That he at the time of Taxation of the said Fine, and long before, was a Freeman and Merchant of this Kingdom; and that by the Statute of 9 H. 3. it was provided, That a Freeman should not be amerced for a little Offence, but according to the manner of his Offence; and for a great Offence, according to the greatness of it, saving to him his Contenement or Freehold, and a Merchant saving his Merchandize, and a Villain saving his Wainage, and none of the said Amercements to be imposed but by Men of the Neighbourhood. And by the Statute of 3 E. 1. that none should be amerced without reasonable Cause, and according to his Trespas, and that by their Peers, with such Savings as aforesaid. And by the said Statute of 9 H. 3. That no Freeman should be taken or Imprisoned, or disseized of his Freehold, Liberties, or Free-Customs, or Outlaw'd, Banish'd, or Destroy'd; nor should the King go upon him, or deal with him but by the Judgment of his Peers, or the Law of the Land. And by the Statute of 5 E. 3. That none should be attach'd or prejudg'd, or his Lands or Goods seized, against the Great Charter, and Law of the Land: And by the Statute of 3 H. 7. That the Chancellor and Treasurer of *England*, and Keeper of the Privy-Seal, or two of them, calling to them one Bishop, one Lord-Temporal of the Privy-Council, and the

His Plea in the
Exchequer.

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Order there a-
bout the filing
it.

Brought by Ha-
beas Corpus
from the Fleet.

two Chief Justices, or two other Justices in their absence, by Bill or Information exhibited to the Chancellor, against any Person for any of the Offences therein mention'd, may call him before them, examine him and others, and punish him as if convicted by due course of Law. And by the Statute of 21 H. 8. The President of the Council is added to the Chancellor, Treasurer, and Keeper of the Privy-Seal. That by the said Writ it appears, that the said Fine was imposed by the King and his Council, and not by the Legal Peers of the said *Richard Chambers*, nor by the Law of the Land, nor according to the manner of his pretended Offence, nor saving unto him his Merchandize, nor for any Offence mention'd in the said Statutes: wherefore he demands Judgment, and to be discharged of the said 2000 l. To this Plea he annexed a Petition to every one of the Barons (in manner of a Motion) that his Plea may be filed, for that Counsel would not move, plead, or set hand to it. But after the Plea put in, and an Order by the Lord Chief Baron to file it, Mr. Attorney moving the Court of Exchequer, That in regard it was very frivolous, insufficient, and derogatory to the Honour and Jurisdiction of the Court of Starchamber, it might not be allowed of, or filed: The Court ordered it should be read on Saturday next, and then, upon hearing, the Counsel of the King, and of the said *Richard Chambers*, the Court would declare their further Order therein. In the meantime the said Plea not to be filed or delivered out.

And *Michaelmas* Term following Mr. *Chambers* being brought out of the Fleet by *Habeas Corpus*, he at the Bar prayed to be delivered, for that this Sentence is not warranted by any Law or Statute: That of 3 H. 7. which is the Foundation of that Court, not giving them Authority to punish for Words only. But the Court informed him, That the Starchamber was not erected by the Statute of 3 Hen. 7. but was many Years before one of the most High and Honourable

nourable Courts of Justice, and so remanded him.

*His Petition
to the Long
Parliament,
&c.*

For a concurrent proof of these Proceedings, here is the Substance of Mr. *Chambers* his Petition (many Years after) to the Long Parliament, and afterwards renewed to the succeeding Parliament, or Convention, wherein he set forth the Votes herein before-mention'd made concerning Tunnage and Poundage by the last House of Commons. That for his Obedience thereunto, he had 7050 *l.* of his Goods taken and detained from him by the Farmers and Officers of the Custom-House, and a heavy Sentence and Fine imposed on him in 1628. and for not submitting thereunto, six Years Imprisonment in the *Fleet*; and in 1637. nine months Imprisonment in *Newgate*, for withstanding Ship-mony: by all which he was put by the exercise of his Calling, and wounded in his Credit. That in 1640. the House of Commons referred the Examination thereof to a Committee, who reported, That he ought to have 13680 *l.* in part of Reparation, leaving the rest of his Reparation to the House. And the Parliament having levied 50000 *l.* of the old Farmers and Officers of the Custom-House for Wrongs done to him (chiefly) and other Merchants, intended first to have given him Satisfaction thereout, because the first Sufferer. That in 1642. he was chose Alderman, and in 1644. Sheriff of *London*, which last stood him in 4000 *l.* that Year. But such were the urgent Necessities of those Times, that the said Monies were converted to the Publick Use; and he continuing without Principal or Interest, the Parliament in 1648. settled on him the Office of Surveyor, and Check in the Custom-House of *London*, worth at least 600 *l.* per *Annum*: But having enjoy'd that Place only eight Months, he was causlessly outed by Intruders. That the late King by Privy-Seal owed his Wife (the Relict of Mr. *Thomas Ferrer*) for Linen Cloth 5000 *l.* and for Mony lent 1200 *l.* for which she was assigned Satisfaction out of the Customs of Tobacco, and out

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out of Sir Thomas Dawes his Office, 100 Marks per Annum; all which is wholly unsatisfied. That he hath consumed his Estate, and sold and mortgaged part of his Lands to pay his Creditors, and maintain his Family, having a Wife and nine Children. He prayed he might not perish after 26 years Sufferings, whereof twelve spent in fruitless and wearisome Waitings; but that they would take some speedy course for his Satisfaction to pay his Debts, and redeem his Lands, by ordering one Moiety of his Debt in ready Mony, out of the daily Customs of London, and the other Moiety to be discounted upon such Goods as he should enter in the Custom-house, London, together with his Wife's Debt; and that he may be restored to the said Office, and have Reparation from the Intruders.

His Death.

At length he grew infirm, and being not relieved, was reduced to a low Condition, and died in Summer 1658. aged about 70 Years.

Mr. Selden, Sir Miles Hobert, Mr. Valentine, and Mr. Hollis, brought by Habeas Corpus.

Trin. 5 Car. The first day of the Term Mr. Selden was brought by the Lieutenant of the Tower to the Kings-bench Bar, upon a Habeas Corpus, where was the same Return as in Mr. Stroud's Case: Mr. Littleton of the Inner-Temple argued for him, and concluded, he ought to be bailed. The same day Sir Miles Hobert, Benjamin Valentine and Denzil Hollis Esquires, were brought thither upon their Writs of Habeas Corpus: But the same Return being made for them as for Mr. Selden, they all declared they would rely upon Mr. Littleton's Arguments. Some few days after Sir Robert Heath the King's Attorney argued, that the Return was good; and concluded, the Prisoners ought to be remanded. But when the Court was ready to have delivered their Opinions, the Prisoners were not brought to the Bar according to the Rules of the Courts; and Proclamation being made for the Keepers of the Prisons to bring in their Prisoners, none appeared but the Marshal of the Kings-Bench, who informed the Court, that Mr. Stroud was yesterday, by the King's

King's own Warrant, removed out of his Custody to the *Tower of London*, as the other Prisoners were likewise removed out of their respective Prisons; and (tho prayed by the Prisoners Counsel) the Court refused to deliver their Opinions, it being, said they, to no purpose, for being absent, they could not be bailed, delivered, or remanded.

The Prisoners removed to other Prisons.

The Evening before this, came a Letter from the King to the Judges of the Kings-Bench, acquainting them with the Reasons why he had removed *Sir Miles Hobert, Walter Long, and William Stroud* to the *Tower*; and why he commanded that they, and the other Prisoners, should not come before them the next day, which was the insolent and unmannerly carriage of most of them awhile since both towards him and their Lordships: and understanding that they and the rest of the Judges and Barons had not yet resolved the main Point, he did not think the presence of those Prisoners necessary, till their Temper and Discretions should deserve that Favour. Nevertheless he hath given way that *Selden* and *Valentine* shall attend them to morrow, which are sufficient, since they cannot as yet give any Resolution in the main Point in question. Dated 24 Junii, Anno quinto.

A Letter from the King to the Judges.

But within three hours after came another Letter from the King to the said Judges, importing, That whereas he intended *Selden* and *Valentine* should appear before them to morrow, he had now resolved, that all of them should receive the same Treatment, and none of them come before them till they made a better demonstration of their Modesty and Civility, than at their last appearance they did. So the imprisoned Gentlemen continued in Restraint all the long Vacation.

Another Letter.

The same Term upon a *Habeas Corpus* for four Constables of *Hertfordshire*, directed to the Pursivant to whom they were committed by the Council, they were committed to other Pursivants; and so upon every *Habeas Corpus* removed from Pursivant to Pursivant all that Term.

In

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*L'assembli des
Notables.*

*A Letter to
the Judges.*

*The King con-
fers with some
of them.*

*Motion to bail
the Prisoners.*

*Sureties requi-
red for the good
Behaviour.*

*They refuse to
give it.*

In the long Vacation came out a little Tract, which went from hand to hand, and was afterwards questioned in the Star Chamber, advising the King to be no more troubled with the Impertinencies of Parliaments, but to follow the Example of *Lewis XI. of France*, who dissolved the Assembly of the three Estates (Clergy, Nobility, and Commons) and ordain'd an Assembly of certain eminent Persons of his own nomination, and some Counsellor out of every one of the eight Courts of Parliament, which is called *L'assembli des Notables*, who would not dispute his Will and Pleasure, as the three Estates were wont to do: And from hence came the Vassalage and Misery of the Commons there.

Towards the latter end of the Long Vacation, the Judges of the Kings-Bench had Letters from the Council to be at Serjeants-Inn on *Michaelmas-day*: Who came accordingly; and the day after the Chief-Justice, and Judg *Whitlock* were sent for to *Hampton-Court*, where the King declar'd, he was contented the Gentlemen in the *Tower* should be bailed, notwithstanding they would not express in a Petition, That they were sorry the King was offended with them, he intending to proceed against them in the Kings-Bench, and to wave his Proceedings in the Star Chamber. They told him the Prisoners ought to be bailed, giving Security for the good Behaviour; and the King told them he would never be offended with his Judges so they dealt plainly with him.

The first day of *Michaelmas-Term*, Mr. *Mason* moved for the Resolution of the Judges, who all said, They were content the Prisoners should be bailed out, but they must find Sureties for the good Behaviour; and Justice *Jones* said, so it was done in *Russel's Case*, 9 E. 3. which had been so often mention'd.

Mr. *Selden* answer'd (and with him the other Prisoners agreed) that they had their Sureties ready for the Bail, but not for the good Behaviour, which he desired might not be urged, for that,

that, 1. The Case had long depended in Court, and had been oftentimes argued on both sides; but the good Behaviour was never mention'd. And the last Term, when the Court was ready to give their Resolution, the sole Point was, If bailable or not. 2. The good Behaviour is seldom urged upon Returns of Felonies or Treasons. 3. They demand to be bailed in Point of Right; but the good Behaviour is a Point of Discretion only, which they cannot assent to without great Offence to the Parliament, where the Matters surmised by the Return were acted: And by the Statute 4 H. 8. all Punishments of such nature are made void. *Cur.* We cannot take notice judicially that these things were done in Parliament, the Return making no mention thereof. And by *Whitlock*, the good Behaviour is only a preventing Medicine, and not an Act of Law. And by *Crook*, It is no Inconvenience to the Prisoners, for the same Bail suffices. *Heath*, Attorney-General, said, He had an Information ready in his hand to deliver in against them. *Hide*, Chief-Justice; If you are now remanded for not finding Sureties, perhaps we being made acquainted with the Cause of your Imprisonment, will not grant another *Habeas Corpus*. *Ashley*, the King's Serjeant, offered his own Bail for Mr. *Hollis* who had married his Daughter and Heir; but the Court said, it was contrary to the Course of the Court, unless the Prisoner would become bound also. And Mr. *Long*, who had found Sureties for the good Behaviour in the Chief-Justices Chamber, refused to continue them, for that they were bound in 2000 l. and the good Behaviour was a ticklish Point, so he was committed to the Marshalsea, and the rest remanded to the Tower.

Are therefore remanded.

Mr. Long committed for withdrawing his Sureties.

Accordingly an Information was exhibited in the Kings-Bench against Sir *John Elliot*, *Denzil Hollis*, and *Benjamin Valentine*, setting forth their being Members of the last Parliament. That Sir *John Elliot* intending to sow Discord, Murmurs and Seditions, as well against the King, Great

Information against Sir J. Elliot, Mr. Hollis, and Mr. Valentine.

An. 1629.

Great Men, Prelats, Peers, and Justices, as between themselves and the rest of the King's Subjects, to overthrow the Government, and bring in Tumult and Confusion, and to alienate the Subjects Affections from the King; did, 23 *Februar.* 4 *Car.* speak these words in the Parliament, and in the hearing of the Commons; The King's Privy-Council, his Judges, and his Counsel Learned, have conspir'd together to trample under their Feet the Liberties of the Subjects of this Realm, and the Liberties of this House. And upon the 2d of *March* following, the King having signified his Pleasure to the House of Commons for adjourning the Parliament till the 10th, the three Defendants conspiring to hinder the same, uttered the same words: And Sir *John Finch* the Speaker endeavouring to get out of the Chair, according to the King's Command, the said *Denzil Hollis*, and *Benjamin Valentine*, *vi & armis*, &c. forcibly detained him therein: And afterwards he being out of the Chair, they violently drew him to the Chair, and thrust him into it, whereupon there was great Tumult and Confusion in the House.

Their Plea to the Jurisdiction.

To this Information the Defendants pleaded to the Jurisdiction of the Court: That these Offences being supposed to have been done in Parliament, they ought not to be punished in this Court, or any other except in Parliament. The Attorney-General moved the Court to over-rule this Plea; but they refusing, he demurred thereunto.

Information in the Star-chamber against Mr. Long.

An Information had been formerly exhibited in the Star-chamber against the said *Walter Long*: That he being High-Sheriff of the County of *Wilts*, and having taken an Oath to reside in his County during his Shrievalty, unless he had the King's Licence; yet being chosen to serve for the City of *Bath* in the last Parliament, he, contrary to his Oath, came, and for three months and upwards remained in *London* or *Westminster* without any such Licence.

To

To which the Defendant had pleaded and demurred, and (among other things) alledged, That it properly belonged to the House of Commons to judge of the justness or unjustness of the said Election. The benefit of which Plea and Demurrer was reserved to him till the Hearing. And the Cause coming now to be heard in *Hilary-Term*, the Court held this to be a high Misdemeanour; and to deter other Sheriffs from doing the like, sentenced the Defendant to be committed to the *Tower* during his Majesty's Pleasure; to pay a Fine of 2000 Marks to the King, and to make his Submission in the Court of Star-chamber, and to his Majesty.

5 Car.
He pleads and demurs thereunto.

His Sentence.

The same Term Mr. *Mason* argued in the Kings-Bench for Sir *John Elliot*, against the aforesaid Information there preferred against him (among others;) and Sir *Robert Heath* the Attorney-General, argued the same day in maintenance thereof. The Judges spake briefly to the Case, and unanimously agreed, That the Court had Jurisdiction, altho these Offences were committed in Parliament, and that the Defendants ought to answer.

The Judges argue the Case of Sir Joh. Elliot, &c.

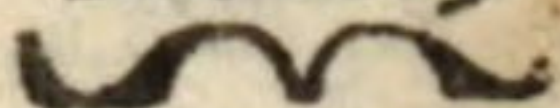
Jones said, That this Question had been in his Thoughts these eighteen Years; and it seemed to him, that tho these Offences were committed in Parliament, this Court shall have Jurisdiction to punish them. But this Plea to the Jurisdiction being concluded with a Demurrer, is not peremptory to the Defendants, tho adjudged against them; but when found against the Defendant by Verdict, there it is peremptory. An Offence committed criminally in Parliament may be punished elsewhere, as in this Court, for these Reasons.

Justice Jones.

1. *Interest Reipublicæ ut maleficia non maneat impunita*: Parliaments are called at the King's pleasure; and if before the next Parliament the Offender or Witnesses die, there will be a Failure of Justice.

2. Every

An. 1629.



2. Every Parliament mostly consists of several Men, and cannot take notice of what is done in the foregoing Parliament, nor do they examine by Oath.

3. The Parliament cannot send Proceſs to make the Offenders appear the next Parliament; and ſo the Offenders when they hear of a Parliament, may *fugam facere*, and prevent their Punishment.

4. If ſuch Offender be made a Baron of Parliament, he cannot be puniſhed in the Houſe of Commons, and ſo ſhall be unpuniſhed.

If objected, The Parliament is ſuperior to this Court, therefore this Court cannot examine their Proceedings. *Anſw.* This Court is a higher Court than the Juſtices of Oyer and Terminer, or Juſtices of Aſſize. But if an Offence be done where the Kings-Bench is, if it be removed, the Offence may be examined by the other Juſtices.

If objected, This Court are no competent Judges of a Privilege of Parliament. *Anſw.* *Privilegium privat Legem*; and if by Grant or Preſcription, it ought to be pleaded for the manner, as is 33 H. 8. *Dyer*, as it is not here pleaded. We are Judges of all Acts of Parliament, as 4 H. 7. and what ſhall be a Seſſion of Parliament, as in *Plowden*, *Partridges* Caſe: We are Judges of their Lives and Lands, therefore of their Liberties. And 8 *Eliz.* it was the Opinion of *Dyer*, and four other Juſtices, That Offences committed in Parliament may be puniſh'd out of Parliament. And 3 E. 3. 19. is good Law. And 'tis uſual near the end of Parliaments, to ſet ſome petty Punishment upon Offenders there, to prevent other Courts. 6 H. 6. A Judgment reverſed in Parliament in *Ireland*, was by Writ of Error reverſed in this Court.

Juſtice Whitlock.

Whitlock ſaid, All the Judges of *England* have reſolved this very Point. If objected, That the Offence is not Capital, therefore not examinable in this Court. *Anſw.* Tho not Capital, yet 'tis Criminal, for 'tis ſowing of Sedition. The Queſtion

tion now is only between some private Members of the House of Commons, and the King himself. It's true, That what is done by Consent of the House, shall not be questioned elsewhere: But if any private Members, *exuunt personas judicum, & induunt maleficentium personas, & sunt seditiosi*; Is there such Sanctimony in the Place, that they may not be question'd elsewhere? The Bishop of *Rosse* being Ambassador here, practised against the State; it was resolved, he had gone beyond the Bounds of his Office, and shall be punish'd here. If a Minister in the Pulpit utter Speeches scandalous to the State, he is punishable: so if a Parliament-man grow mutinous, he shall not have the Privilege of Parliament; for his Behaviour ought to have been Parliamentary. If a Judg of this Court utter Speeches scandalous to the State, he may be questioned before Commissioners of *Oyer and Terminer*, because no judicial Act of the Court. If objected, That we cannot examine Acts done by a Higher Power. *Answ.* When a Peer is arraign'd of Treason, we are not his Judges, but the High-Steward is, and he shall be tried by his Peers. But if there be any Error in the Proceeding, it shall be reversed by Error in this Court, which is *coram ipso Rege*. If objected, That the Parliament Law differs from the Law in this Court, of which an Instance was given, That by the Statute none ought to be chosen Burgees for a Town, wherein he doth not inhabit; but the Usage of Parliament is contrary. *Answ.* If an Information be brought here against such a Burgees, I think the Statute is a good Warrant for us to give Judgment against him. If objected, There is no Precedent in this Matter. *Answ.* By sundry Precedents it appears the Parliament hath transmitted Matters to this Court, as 2 R. 2. between a great Peer and a Bishop for matter of Behaviour. The Privilege of Parliament holds not in three Cases, Treason, Felony, and Suit for the Peace; which last is our very Case.

An. 1628.

Justice Crook.

Crook said: These Offences are punishable in this Court, or no where; all Offences against the Crown are examinable here. If objected, That by this means no Man will adventure to make his Complaints in Parliament. *Answ.* He may complain in a Parliamentary Course, but not falsely and maliciously. If objected, That the Parliament is a higher Court than this. *Answ.* Every Member of Parliament is not a Court: Our Court is a Court of High Jurisdiction, and in all Capital and Criminal Causes we are originally competent Judges, and by consequence of this Matter. But I am not of the Opinion of Mr. Attorney-General, that the word *Proditory* would have made this Treason.

Lord Chief Justice Hide.

Hide Chief-Justice said: No new Matter hath been offered us by those that argue for the Defendants; nor any other in substance but what was objected before all the Justices and Barons at Serjeants-Inn in *Fleetstreet*, upon an Information in the Starchamber for the same Matter. And then it was, after great deliberation, resolved by all of them, That an Offence committed in Parliament, that being ended, may be punished out of Parliament: And no Court more apt for that purpose than this; and it cannot be punish'd in a future Parliament, because it cannot take notice of Matters done in a foregoing Parliament. As to what was said, That an Inferior Court cannot meddle with Matters done in a Superior: True, it cannot meddle with Judgments of a Superior Court; but if the particular Members of a Superior Court offend, they are often punishable in an Inferior; as if a Judge shall commit a Capital Offence in this Court, he may be arraigned thereof at *Newgate*. And 3 *E. 3. 19.* and 1 *Mar.* which have been cited, over-rule this Case.

The Defendants ruled to plead over.

Judgment by Nihil dicit.

So the Defendants were ruled to plead further, and Mr. *Lenthall* of *Lincolns-Inn* assigned Council for them. But the Defendants not putting in any other Plea the last Day of the Term, Judgment was given against them upon a *Nihil dicit*; which

which Judgment was pronounced by Jones to this effect:

Pronounced by
Justice Jones.

That they held their Plea to the Jurisdiction insufficient: Not that they would draw the true Liberties of Parliament-men into question, for what they did or said in a parliamentary manner: But here was a Conspiracy to slander the State, and raise Sedition and Discord. The Parliament is a High Court, therefore ought to give good Example to other Courts. If a Judge of our Court should rail against the State or Clergy, he is punishable for it. A Member of Parliament may charge any great Officer of State with a particular Offence, but this was a malicious Accusation of all the Officers of State in general.

The Judgment was;

1. That every of the Defendants should be imprisoned during the King's Pleasure; Sir John Elliot in the Tower, the other in other Prisons.

2. That none should be deliver'd, until he give Security in this Court for his good Behaviour, and have made submission and acknowledgment of his Offence.

3. Sir John Elliot, as the greatest Offender and Ringleader, shall pay to the King a Fine of 2000 l. Mr. Hollis 1000 Marks, and Mr. Valentine, because of less Ability, 500 l.

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F I N I S.





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